

In the Matter Of:

IN RE JOSEPH MCELLIGOTT

JOSEPH MCELLIGOTT

May 09, 2016

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05/09/2016

**MCELLIGOTT JOSEPH
IN RE JOSEPH MCELLIGOTT**

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CITY OF CHICAGO
INSPECTOR GENERAL'S OFFICE
OFFICE OF INSPECTOR GENERAL
INTERVIEW OF:
JOSEPH McELLIGOTT
TRANSCRIPT OF PROCEEDINGS had in the
above-entitled cause on the 9th and 10th day of May
A.D. 2016

1 APPEARANCES:

2 INSPECTOR GENERAL'S OFFICE

3 740 North Sedgwick, Suite 200,

4 Chicago, Illinois 60654,

5 773-478-5227, by:

6 MS. SARAH S. ANSARI

7 Assistant Inspector General

8 sansari@chicagoinspectorgeneral.org

9 MR. RAUL VALDEZ

10 Investigator III

11 rvaldez@chicagoinspectorgeneral.org,

12 Appeared on behalf of the Inspector

13 General's Office;

14

15 J. RUSSELL LAW, LLC

16 206 South Jefferson

17 Chicago, Illinois 60661

18 312-207-1220, by:

19 MS. JENNIFER W. RUSSELL

20 jennifer.russell@jrusSELLllaw.com,

21 Appeared on behalf of the Interviewee.

22 ALSO PRESENT:

23 COMMANDER ROBERT KLIMAS, via telephone.

24

1	I N D E X		
2	JOSEPH MCELLIGOTT	EXAMINATION	
3	BY MS. ANSARI	6, 33, etc.	
4	BY MR. VALDEZ	32, 61, etc.	
5	E X H I B I T S		
6	NUMBER		MARKED PAGE
7	Exhibit 1	Advisement of Rights Form	10
8	Exhibit 2	Notification of Interview for CPD Member McElligott dated 4/21/16	10
9			
10	Exhibit 3	Notification of Allegations dated 4/21/16	11
11			
12	Exhibit 4	Receipt Form dated 4/21/16	11
13	Exhibit 5	10/21/14 IPRA interview	12
14	Exhibit 6	CPD Case Supplementary Report, dated 3/16/15, RD HX 475653	12
15			
16	Exhibit 7	General Progress Report dated 10/20/14, RD HX475653	13
17			
18	Exhibit 8	2/23/12 Special Order S03-05	117
19	Exhibit 9	In Car Camera Video Retrieval Worksheet	127
20			
21	Exhibit 10	E-mail from Lance J. Becvar	130
22			
23	(Original exhibits sent to Ms. Ansari.)		
24			

1 MS. ANSARI: As a preliminary matter, I am
2 providing the following information: An independent
3 certified court reporter is present today to provide
4 a verbatim transcript of this interview. To aid in
5 the accuracy of the transcript, it is the custom and
6 practice of court reporters to audio-record the
7 interview.

8 The recording is the confidential work
9 product property of the court reporter and will not
10 be provided to any party, including the Office of
11 Inspector General. If you request,
12 Officer McElligott, the audio recording will be
13 discontinued.

14 So, Officer McElligott, are you okay with
15 the audio recording?

16 MS. RUSSELL: No.

17 MS. ANSARI: No audio recording?

18 MS. RUSSELL: No audio.

19 (Whereupon, the audio recording was
20 discontinued.)

21 MS. ANSARI: Let the record reflect that
22 Officer McElligott has requested that the audio
23 recording be discontinued.

24 Let the record reflect that today's date

1 is May 9, 2016. The time is 10:15 p.m. We are
2 located at Amicus Court Reporters, 300 West Adams,
3 Suite 800.

4 My name is Sarah Ansari, the court
5 reporter is Andrew Pitts, and I would ask that the
6 other individuals present identify themselves and
7 spell their names for the record.

8 MR. VALDEZ: Investigator Valdez, V-A-L-D-E-Z,
9 investigator, Office of Inspector General.

10 MS. RUSSELL: Jennifer Russell,
11 J-E-N-N-I-F-E-R, R-U-S-S-E-L, attorney for the
12 officer.

13 THE INTERVIEWEE: Officer Joseph McElligott;
14 J-O-S-E-P-H, M-C-E-L-L-I-G-O-T-T.

15 MS. ANSARI: There are no other individuals
16 present.

17 We are here today pursuant to an
18 investigation being conducted under Chapter 2-56 of
19 the Municipal Code of the City of Chicago. We are
20 here for an interview of Officer Joseph McElligott.

21 Officer McElligott, will you please raise
22 your right hand, and the court reporter will swear
23 you in.

24 THE INTERVIEWEE: Upon advice of the counsel, I

1 am not affirming in this fashion.

2 MS. ANSARI: Officer McElligott, are you
3 refusing to be sworn in by the court reporter?

4 THE INTERVIEWEE: Yes.

5 JOSEPH MCELLIGOTT,
6 called as an Interviewee herein, refusing to be
7 administered an oath, was examined and testified as
8 follows:

9 EXAMINATION

10 BY MS. ANSARI:

11 Q. Officer McElligott, I am now going to
12 hand you a form that is marked Advisement of
13 Rights. This has already been filled in with your
14 name, my name, and Investigator Valdez's name.

15 MR. VALDEZ: Yeah.

16 BY MS. ANSARI:

17 Q. I am going to ask that you read along
18 with me as I go through it, and then I will ask you
19 after each paragraph to acknowledge that you have
20 read and understood the paragraph.

21 "I understand this interview is part of
22 an official investigation and that I have a duty to
23 cooperate with the Office of Inspector General,
24 which includes answering all questions completely

1 and truthfully."

2 Do you understand?

3 A. Yes.

4 Q. "I understand that I have no right to
5 remain silent. I understand that I have an
6 obligation to answer questions put to me
7 truthfully. I understand that if I refuse to
8 answer questions put to me, I will be ordered by a
9 superior officer to answer the questions.

10 "I further understand that I have been
11 advised that if I persist in my refusal to answer
12 after an order to do so, such further refusal
13 constitutes a violation of the Rules and
14 Regulations of the Chicago Police Department and
15 may serve as the basis for my discharge."

16 Do you understand?

17 A. Yes.

18 Q. "I understand and have been advised that
19 my statements or response may constitute an
20 official police report. I understand that Rule 14
21 of the Chicago Police Department's Rules and
22 Regulations prohibits making a false report,
23 written or oral, and I further understand that
24 making such a false report, whether written or

1 oral, may result in my separation from the Chicago
2 Police Department."

3 Do you understand?

4 A. Yes.

5 Q. "I understand that any statement made by
6 me during this interview may be used as evidence of
7 misconduct or as the basis for disciplinary action
8 up to and including removal or discharge."

9 Do you understand?

10 A. Yes.

11 Q. "I understand that any statement made by
12 me during this interview and the fruits thereof
13 cannot be used against me in a criminal
14 proceeding."

15 Do you understand?

16 A. Yes.

17 Q. "I understand that I have a right to have
18 a union representative or legal counsel at my
19 choosing present at the interview to consult with
20 and that I would be given a reasonable time to
21 obtain a union representative or legal counsel as
22 long as the interview is not unduly delayed."

23 Do you understand?

24 A. Yes.

1 Q. "I understand that a refusal to answer
2 any questions or any false, inaccurate, or
3 deliberately incomplete statement by me would
4 constitute a violation of Chicago Municipal
5 Ordinance 2-56 and may serve as the basis for any
6 discharge."

7 Do you understand?

8 A. Yes.

9 Q. "I acknowledge that this statement of my
10 administrative rights has been read aloud to me and
11 I have been allowed to review this document."

12 Do you understand?

13 A. Yes.

14 Q. Do you --

15 MS. RUSSELL: Based on the advisement of rights
16 and the representation that this is an
17 administrative proceeding, that is the basis for the
18 officer refusing to be sworn in.

19 MS. ANSARI: Understood.

20 Officer McElligott, we ask that you sign
21 this advisement of rights. The bottom of the
22 advisement of rights is a waiver stating,
23 "Understanding these rights, I wish to answer
24 questions from the investigators from the Office of

1 Inspector General without having union
2 representative or legal counsel present. No
3 promises or threats have been made to me and no
4 pressure or coercion of any kind has been made or
5 used against me." I am going to cross that out
6 since you have legal counsel here of your choosing.

7 For the record, I'm going to sign the
8 Advisement of Rights, and Investigator Valdez is
9 also going to sign. And we will mark that as
10 Exhibit 1.

11 (Whereupon, McElligott Exhibit 1
12 was marked for identification.)

13 BY MS. ANSARI:

14 Q. Officer McElligott, I am going to mark a
15 number of service exhibits to put them on the
16 record and present them to you to confirm your
17 receipt of these exhibits. Marking as Exhibit 2 a
18 document entitled Notification of Interview for CPD
19 Member McElligott dated April 21, 2016.

20 (Whereupon, McElligott Exhibit 2
21 was marked for identification.)

22 BY MS. ANSARI:

23 Q. Officer McElligott, have you seen this
24 document?

1 A. Yes.

2 Q. Did IAD provide you with this document on
3 or about April 21, 2016?

4 A. Yes.

5 Q. Marking as Exhibit 3 a document entitled
6 Notification of Allegations dated April 21, 2016.

7 (Whereupon, McElligott Exhibit 3
8 was marked for identification.)

9 BY MS. ANSARI:

10 Q. Officer McElligott, have you seen this
11 document?

12 A. Yes.

13 Q. Did IAD provide you with this document on
14 April 21st?

15 A. Yes.

16 Q. Marking as Exhibit 4 a document entitled
17 Receipt Form dated April 21, 2016.

18 (Whereupon, McElligott Exhibit 4
19 was marked for identification.)

20 BY MS. ANSARI:

21 Q. Officer McElligott, have you seen this
22 document?

23 A. Yes.

24 Q. Did IAD provide you with this on

1 April 21st?

2 A. Yes.

3 Q. Marking as Exhibit 5 a transcript of your
4 October 21, 2014 interview with the Independent
5 Police Review Authority.

6 (Whereupon, McElligott Exhibit 5
7 was marked for identification.)

8 BY MS. ANSARI:

9 Q. Have you seen this document?

10 A. Yes.

11 Q. Did IAD provide you with this document on
12 April 21st?

13 A. No. I was given a CD. It wasn't in
14 paper form.

15 Q. Okay. Was this document on the CD you
16 were provided?

17 A. Yes.

18 Q. Okay. Marking as Exhibit 6 an excerpt of
19 a CPD case supplemental report dated March 16, 2015
20 with RD number HX475653 containing Officer
21 McElligott's statements to Detective March.

22 (Whereupon, McElligott Exhibit 6
23 was marked for identification.)

24

1 BY MS. ANSARI:

2 Q. Have you seen this document?

3 A. Yes.

4 Q. Did IAD provide you with this document on
5 a CD on April 21st?

6 A. Yes.

7 Q. Marking as Exhibit 7 a general progress
8 report dated October 20, 2014 with RD number
9 HX475653 containing Detective March's notes of his
10 interview with Officer McElligott.

11 (Whereupon, McElligott Exhibit 7
12 was marked for identification.)

13 BY MS. ANSARI:

14 Q. Have you seen this document?

15 A. Yes.

16 Q. Did IAD provide you with this document on
17 a CD on April 21st?

18 A. Yes.

19 Q. Okay.

20 MR. VALDEZ: Could I get those exhibits back
21 and the receipt forms as well? Thank you.

22 (Whereupon, documents were tendered to
23 Investigator Valdez.)
24

1 BY MS. ANSARI:

2 Q. Officer McElligott, in order to prepare
3 for today's interview, did you review the materials
4 that we've provided in these exhibits?

5 A. Yes.

6 Q. These materials also included video from
7 the in-car video systems of vehicles 813 and 845,
8 correct?

9 A. Yes.

10 Q. And it included a video from a Dunkin'
11 Donuts security camera, correct?

12 A. Yes.

13 Q. Did you review those three videos?

14 A. I was not able to review them on my
15 computer at home.

16 Q. Okay. Since receiving our Notice of
17 Interview on April 21st, did you review any
18 materials other than the materials we provided you?

19 A. No.

20 Q. Aside from your attorney, who did you
21 speak to in preparation for this interview?

22 MS. RUSSELL: Don't answer this.

23 Are we getting a direct order? How are
24 we --

1 MS. ANSARI: Oh, we're waiting for you to
2 request it, essentially.

3 MS. RUSSELL: Oh. Yes. Obviously, we want a
4 direct order before he continues giving a
5 substantive interview, and I note for the record
6 also that it was indicated that he received audio
7 files for beat number 813R and 845R, which was not
8 contained in the documents he received.

9 BY MS. ANSARI:

10 Q. Officer McElligott, are you refusing to
11 answer questions without an order from a superior
12 officer?

13 A. Yes.

14 MS. ANSARI: Okay. At this time, we are going
15 to place a call to Commander Bob Klimas of IAD.

16 (Whereupon, a conference call was
17 made.)

18 COMMANDER KLIMAS: (Telephonically) this is Bob
19 Klimas.

20 MS. ANSARI: Commander Klimas, this is Sarah
21 Ansari from the Office of Inspector General. Can
22 you hear me?

23 COMMANDER KLIMAS: Yes, I can.

24 MS. ANSARI: Okay. We are currently in a

1 court-reported interview of Officer Joseph
2 McElligott. His counsel, Jennifer Russell is here.
3 Investigator Raul Valdez is also here.

4 The Office of Inspector General, having
5 provided appropriate notice to Officer McElligott of
6 this interview, is attempting to ask him questions
7 regarding the Laquan McDonald shooting. He is
8 refusing to answer questions regarding the shooting
9 absent a command from his superior officer.

10 So I am asking you, Commander Klimas, to
11 please order Officer McElligott to answer the Office
12 of Inspector General's questions.

13 COMMANDER KLIMAS: This is Commander Robert
14 Klimas, K-L-I-M-A-S, of the Chicago Police
15 Department, Bureau of Internal Affairs.
16 Officer Joseph McElligott, I'm giving you a direct
17 order to answer all the questions posed to you this
18 evening by the Office of Inspector General, City of
19 Chicago. Do you understand?

20 THE INTERVIEWEE: Yes, sir.

21 COMMANDER KLIMAS: Very good.

22 MS. ANSARI: Okay. Thank you, Commander
23 Klimas.

24 COMMANDER KLIMAS: Okay.

1 MS. RUSSELL: Upon receiving the direct order,
2 the officer will move forward and has a statement to
3 read.

4 THE INTERVIEWEE: I would like to preface this
5 statement with the following: I believe I am
6 entitled to be informed of my constitutional rights
7 to remain silent. I have received no assurances
8 from the Office of the Inspector General that
9 criminal charges are not probable. Proceeding with
10 this statement is in violation of the applicable
11 collective bargaining agreement, but I have been
12 advised that I will lose my job if I refuse to
13 provide this statement.

14 This statement is not being made
15 voluntarily, but under duress, and is only being
16 made at this time because I know I will lose my job
17 if I refuse the direct order being given to me by
18 Commander Klimas. I am invoking each and every
19 right granted to me under Garrity vs. New Jersey.

20 Also, on the advice of counsel, I am
21 making the following additional objections: I am
22 objecting to the fact that the City of Chicago
23 Inspector General's Office is making allegations
24 against me and conducting an investigation into its

1 own allegations. I am objecting that this interview
2 is taking place before an arbitrator has decided the
3 issues that were raised in regards to this
4 investigation. The Fraternal Order of Police has
5 filed a grievance regarding this investigation, and
6 the Inspector General has refused to postpone this
7 interrogation.

8 I am also objecting that I have requested
9 my prior sworn testimony, namely the testimony I
10 provided to the Grand Jury. The Inspector General
11 refused to provide me with a copy of my Grand Jury
12 testimony and/or other statement I have made to the
13 federal investigators, in violation of my rights
14 under the contract. The Inspector General indicated
15 that it does not have possession of my Grand Jury
16 testimony.

17 To the extent I am questioned about my
18 Grand Jury testimony, I assert that testimony is
19 truthful and based upon my recollection at the time.
20 I stand by all of my answers.

21 MS. RUSSELL: In addition, I am going to be
22 objecting based on some of the questioning regarding
23 the fact that it's not narrowly tailored to address
24 the allegations. I can either, you know, do the

1 objection after every single question, or we can
2 agree that, you know, any objection I make, I'm
3 making it because it is not narrowly tailored, just
4 for purposes of --

5 MS. ANSARI: Speed?

6 MS. RUSSELL: Speed.

7 MS. ANSARI: Yes. If you have those
8 objections, are you saying that you will --

9 MS. RUSSELL: Raise them during the
10 questioning.

11 MS. ANSARI: Just kind of an umbrella objection
12 or --

13 MS. RUSSELL: I think the umbrella objection is
14 that I don't believe the questioning is narrowly
15 tailored to the allegations that have been levied
16 against this officer. I'm anticipating that I would
17 have those objections, and when those questions came
18 up, I would just simply say "objection," and we'll
19 carry on so it's noted for the record. You know, if
20 you have any inquiries on exactly what the objection
21 is, that's fine, but, you know, at the outset, I
22 would say, you know, primarily it will be to the
23 relevance of whatever.

24 MS. ANSARI: Of the questioning. That's

1 understood. Okay. Thank you.

2 MS. RUSSELL: In addition, we want our
3 transcript 72 hours after it's done.

4 MS. ANSARI: Understood. 72 hours after this
5 interview?

6 MS. RUSSELL: After we are done today --
7 tonight.

8 MS. ANSARI: Okay. Understood.

9 And for the record, the outcome of this
10 administrative investigation relates to Officer
11 McElligott's employment, and therefore under the
12 collective bargaining agreement and the general
13 order, the administrative rights you were provided
14 are appropriate. In addition, arguments being put
15 forward in your objection today would eviscerate
16 Garrity, and we are going to proceed as we believe
17 we are legally entitled to.

18 MS. RUSSELL: I would also like to note that
19 the contract does require, you know, affidavit,
20 substantiating these allegations. None have been
21 provided or represented to or have been obtained, so
22 I would ask that if they are obtained that the
23 Inspector General provide them to us or make a
24 representation that no affidavits have been

1 obtained.

2 MS. ANSARI: Okay. Are you requesting an
3 affidavit in lieu of the complaint letter we
4 received from John Escalante?

5 MS. RUSSELL: Oh, this officer has never
6 received a complaint letter, or I will certainly
7 review the complaint letter if the Inspector General
8 would provide it to us.

9 MS. ANSARI: Okay. If you request that, we can
10 provide you the letter that Escalante received, and
11 that's noted in the Notification of Allegations. We
12 can provide that to you.

13 MS. RUSSELL: Okay. So do you want me just to
14 hold tight until I take a look at it, or --

15 MS. ANSARI: We can move forward, and I can
16 provide that to you after. It's the -- the
17 Notification of Allegations contains what is in that
18 letter.

19 MS. RUSSELL: So if we proceed and you provide
20 me the letter after, it would have these
21 11 allegations from John Escalante specifically?

22 MS. ANSARI: No.

23 MS. RUSSELL: Okay. Can we go off the record?
24

1 (Whereupon, a discussion was had
2 off the record.)

3 MS. ANSARI: We are going back on the record.
4 It is 10:35 p.m.

5 MS. RUSSELL: I was raising the issue regarding
6 the correspondence from John Escalante and whether
7 these allegations were something that he raised in
8 that letter that I or the officer have a copy of,
9 and it was represented that -- I don't want to put
10 words in your mouth, that these specific allegations
11 were drafted by the Office of Inspector General and
12 not necessarily contained in the letter. Is that a
13 fair and accurate representation of what you --

14 MS. ANSARI: The exact wording in the
15 Notification of Allegations, the listed numbered
16 allegations, is not listed in the letter from
17 Escalante. That's correct.

18 MS. RUSSELL: So there is no complainant that
19 is raising these specific allegations against this
20 officer? Is that a fair characterization? We would
21 just note for the record that we are raising the
22 objection that there is no complainant that has
23 raised these allegations against this officer.

24 MS. ANSARI: We'll note that objection for the

1 record.

2 MS. RUSSELL: Thank you.

3 BY MS. ANSARI:

4 Q. Officer McElligott, what is your star
5 number?

6 A. 18715.

7 Q. And your current unit of assignment?

8 A. The 8th district.

9 Q. What was your unit on assignment on
10 October the 20th, 2014?

11 A. The 8th district.

12 Q. What watch were you on as of that date?

13 A. First watch.

14 Q. What hours are first watch?

15 A. My duty shift is 2100 hours to 0600
16 hours.

17 Q. What was your chain of command on
18 October 20, 2014? So who did you report to kind of
19 on up to sergeant, commander, lieutenant?

20 A. Our sergeant that night was Sergeant
21 Steve Franko, and the lieutenant was Lieutenant
22 Gerald Koch, K-O-C-H.

23 Q. Mr. McElligott, what is your personal
24 cell phone number?

1 MS. RUSSELL: Objection.

2 MS. ANSARI: You could answer the question.

3 BY THE INTERVIEWEE:

4 A. [REDACTED]

5 BY MS. ANSARI:

6 Q. And was that your cell phone number as of
7 October 20, 2014?

8 A. Yes.

9 Q. Officer McElligott, were you summoned to
10 given testimony before a Federal Grand Jury
11 regarding the Laquan McDonald shooting?

12 A. Yes.

13 Q. Okay. When was that testimony?

14 A. I don't recall the specific date. It
15 was May or June of 2015.

16 Q. Did you assert your rights under the
17 Fifth Amendment and refuse to testify in the Grand
18 Jury, the Federal Grand Jury?

19 MS. RUSSELL: Objection.

20 BY THE INTERVIEWEE:

21 A. No.

22 BY MS. ANSARI:

23 Q. Approximately -- were you given any
24 immunity to testify before the Grand Jury?

1 MS. RUSSELL: Objection.

2 BY THE INTERVIEWEE:

3 A. No.

4 BY MS. ANSARI:

5 Q. Did you request any immunity to testify?

6 A. No.

7 Q. Approximately how long were you in the
8 Grand Jury testifying?

9 MS. RUSSELL: Objection.

10 BY THE INTERVIEWEE:

11 A. The actual testimony?

12 MS. ANSARI: Yes, that's correct.

13 BY THE INTERVIEWEE:

14 A. Oh, maybe an hour at the most.

15 BY MS. ANSARI:

16 Q. Did you provide a written statement to
17 the Grand Jury?

18 A. No.

19 Q. Were you asked questions about the Laquan
20 McDonald shooting?

21 A. Yes.

22 Q. Did you describe the shooting incident?

23 A. Yes.

24 Q. How did you describe the shooting

1 incident to the Grand Jury, as best that you can
2 recall?

3 A. I described basically the beginning when
4 we received the call until the end. Do you need
5 specific --

6 Q. Yeah. If you can provide more detail
7 from what you remember.

8 MS. RUSSELL: Objection.

9 BY THE INTERVIEWEE:

10 A. From what I remember, we received a call
11 of holding an offender at approximately 40th and
12 Kildare. We --

13 MS. RUSSELL: Is your question what happened
14 that night, or is your question what did you testify
15 to?

16 BY MS. ANSARI:

17 Q. What did you testify to, because we will
18 get into kind of your recollection of that night.
19 If it's the same, then you can say that and we can
20 go into it.

21 A. Oh. Pretty much I told the story of the
22 night, of my end basically.

23 Q. We will get into more details of that
24 evening later.

1 A. Okay.

2 Q. In the Grand Jury, did the Assistant U.S.
3 Attorney present you with any of the reports that
4 we introduced today as exhibits in the Grand Jury?

5 A. No.

6 Q. No?

7 A. No.

8 Q. Did the AUSA ask you about your
9 statements to the Independent Police Review
10 Authority and your statements to Detective March?

11 A. No.

12 Q. So you said that the Assistant U.S.
13 Attorney asked you what happened that night, but
14 then -- correct?

15 A. Correct.

16 Q. But then didn't question you about any
17 statements you made after the fact?

18 A. No.

19 Q. Did your testimony before the Grand Jury
20 about the shooting differ in any way from your
21 statements to Detective March?

22 A. No.

23 Q. Did it differ in any way from your
24 statements to IPRA?

1 A. I'm sure they differed as far as what
2 was asked. I mean, it was slightly different.

3 Q. In the basic substance?

4 A. Slightly different in the basic
5 substance, yes.

6 Q. Do you recall any of the differences
7 between your statement to IPRA and to the Grand
8 Jury?

9 MS. RUSSELL: Objection.

10 BY THE INTERVIEWEE:

11 A. Not specifically. I just --

12 MS. RUSSELL: We can review the documents if
13 you would like, other than the fact that you haven't
14 provided us with the Federal Grand Jury testimony.
15 Are you asking him based on his recollection as he
16 sits here today if he knows if there are any
17 differences between his IPRA statement, his Grand
18 Jury statement, the federal interviews, news
19 reports, anything else?

20 BY MS. ANSARI:

21 Q. I mean, if there's anything that stands
22 out.

23 A. No.

24 Q. Okay. Prior to your testimony in the

1 Federal Grand Jury, did you review any of the
2 reports we presented you today?

3 A. Prior to my testimony?

4 Q. Uh-huh.

5 A. Of the Grand Jury?

6 Q. Yes.

7 A. No.

8 Q. Did you review any other documents to
9 refresh your recollection of what happened that
10 evening on October 20th?

11 A. I listened to my IPRA statement.

12 Q. Okay.

13 A. That was --

14 Q. So you listened to your audio-recorded
15 IPRA statement?

16 MS. RUSSELL: Do you mean before you testified
17 before the Grand Jury?

18 THE INTERVIEWEE: Yes.

19 BY MS. ANSARI:

20 Q. Yes. Before, in preparation for your
21 Grand Jury testimony, did you -- you said you
22 listened to your IPRA statement?

23 A. Yes.

24 Q. Okay. Did you speak to federal

1 investigators, FBI, before you testified in the
2 Federal Grand Jury?

3 A. Yes.

4 Q. About how many days, weeks, months before
5 your testimony did you speak with the FBI?

6 MS. RUSSELL: Objection.

7 BY THE INTERVIEWEE:

8 A. Five or six months.

9 BY MS. ANSARI:

10 Q. Five or six months before your Grand Jury
11 testimony, you talked to the FBI?

12 A. Yeah.

13 Q. Do you remember the approximate date? So
14 it would have been maybe January?

15 A. End of December, early January.

16 Q. What was the nature of your conversation
17 with the FBI?

18 MS. RUSSELL: Objection.

19 BY THE INTERVIEWEE:

20 A. Pretty much the same thing. They wanted
21 to know my basic -- tell the story of what
22 happened.

23 BY MS. ANSARI:

24 Q. Okay. Did you testify regarding the

1 Laquan McDonald shooting in any other Grand Jury,
2 the State -- for the State Grand Jury?

3 A. State Grand Jury?

4 Q. Did you only testify once in the Federal
5 Grand Jury?

6 A. Yes.

7 Q. Did you testify regarding the Laquan
8 McDonald shooting at any other time?

9 A. No.

10 Q. Did you have any communications by phone,
11 e-mail, or text with Officer Gaffney before your
12 Grand Jury testimony?

13 A. No.

14 Q. Did you have any communications by phone,
15 e-mail, or text regarding the Laquan McDonald
16 shooting with any of the other police officers who
17 were on scene the night of October 20, 2014?

18 MS. RUSSELL: At what time?

19 BY MS. ANSARI:

20 Q. Before your Grand Jury testimony?

21 MS. RUSSELL: At any time before, between
22 October 20th and the Grand Jury?

23 BY MS. ANSARI:

24 Q. Regarding the Laquan McDonald shooting.

1 A. Regarding the shooting or regarding the
2 Grand Jury?

3 Q. Either. Both.

4 A. I don't recall specifically.

5 Q. Did you speak to Officer Van Dyke
6 regarding the Laquan McDonald shooting before your
7 Grand Jury testimony?

8 A. No.

9 MS. RUSSELL: Objection.

10 BY MS. ANSARI:

11 Q. Did the FBI present you with any of the
12 reports that we entered into evidence today when
13 they were talking to you?

14 A. No.

15 MS. ANSARI: Do you have any questions
16 regarding the Grand Jury?

17 MR. VALDEZ: Just a couple.

18 EXAMINATION

19 BY MR. VALDEZ:

20 Q. Officer McElligott, on October 20, 2014,
21 you said your unit of assignment was 8th district?

22 A. Yes.

23 Q. Were you assigned to a beat car that day?

24 A. Yes.

1 Q. What beat were you assigned to?

2 A. 815 Robert.

3 Q. And were you with a partner that day?

4 A. Yes.

5 Q. What is that partner's name?

6 A. Thomas Gaffney.

7 Q. And can you spell that last name,

8 G-A-F-F --

9 A. G-A-F-F-N-E-Y.

10 Q. And were you a driver or a passenger that
11 day?

12 A. I was the passenger.

13 MR. VALDEZ: Okay.

14 FURTHER EXAMINATION

15 BY MS. ANSARI:

16 Q. So I'm going to move on to the night of
17 the shooting, October 20, 2014.

18 You were present when Laquan McDonald was
19 shot that night, correct?

20 A. I was present.

21 Q. Walk us through your actions immediately
22 following the shooting.

23 A. Immediately following the shooting?

24 Q. Yeah. So just to lay it out, I want to

1 focus on kind of two time periods that night:

2 First, what happened at the scene, and then we'll
3 go into kind of what happened at area central.

4 So if you could walk me through your
5 actions immediately following the shooting towards
6 when -- up until when you left the scene. What
7 happened?

8 MS. RUSSELL: Can we go off the record.

9 (Whereupon, a discussion was had
10 off the record.)

11 MS. ANSARI: We're back on the record. It's
12 10:47 p.m.

13 BY THE INTERVIEWEE:

14 A. Immediately after? I was walking up to
15 where the shooting occurred, and I witnessed Joe
16 Walsh kick the knife out of Laquan McDonald's hand.

17 BY MS. ANSARI:

18 Q. Okay. And then what happened?

19 A. We waited, basically. Somebody called
20 for an ambulance, and we waited for the ambulance
21 to arrive.

22 Q. Do you know who called the ambulance?

23 A. I don't know.

24 Q. So following the shooting, who did you

1 talk to at the scene of the shooting, as best as
2 you can recall?

3 A. I don't recall talking to anybody. We
4 just kind of waited, and then things started taking
5 place as far as the crime scene, protection, who
6 was doing what.

7 Q. Do you recall what officers were on the
8 scene when Laquan McDonald was shot?

9 A. Joe Walsh, Jason Van Dyke, Janet
10 Mondragon, Daphne Sebastian, my partner Tom
11 Gaffney. I'm not sure of their names, but an
12 afternoon car, 822. I forget both their names.

13 Q. Would -- Leticia Velez?

14 A. That sounds right.

15 Q. Does that sound right?

16 And Arturo Becerra?

17 A. That sounds right.

18 Q. I'm going to ask you a couple questions
19 about each of those -- oh, do you know if Dora
20 Fontaine was present?

21 A. Yes, and her partner as well.

22 Q. Viramontes?

23 A. Rick Viramontes.

24 Q. I'll ask you a couple questions about

1 each of those officers.

2 So you said your partner was
3 Officer Gaffney, correct?

4 A. Yes.

5 Q. What is your relation -- how long have
6 you two been partners?

7 A. Since 2013 maybe. It's been a few
8 years. It's been a few years. I don't know the
9 specific date.

10 Q. And I didn't ask you this, but how long
11 have you been a police officer?

12 A. 14 years.

13 Q. 14 years? Okay.

14 So you've been partners with Officer
15 Gaffney since 2013. Did you ever socialize with
16 Officer Gaffney outside of work?

17 MS. RUSSELL: Objection.

18 BY THE INTERVIEWEE:

19 A. No.

20 BY MS. ANSARI:

21 Q. So your relationship --

22 A. Actually, yes. He came to my wedding.

23 Q. Okay.

24 A. Other than that, no.

1 Q. Understood.

2 And he was your regular partner, correct?

3 A. Yes.

4 Q. Did you rotate between him and any other
5 partners, or was he --

6 A. Yes.

7 Q. -- your only partner?

8 A. My other partner is Mike Walano.

9 Q. Okay.

10 A. And he was off that day.

11 Q. What was your relationship with Officer
12 Van Dyke prior to October 20, 2014?

13 MS. RUSSELL: Objection.

14 BY THE INTERVIEWEE:

15 A. He was a coworker on watch.

16 BY MS. ANSARI:

17 Q. How long had you worked with him on that
18 same watch?

19 MS. RUSSELL: Assumes that he worked with him.

20 BY MS. ANSARI:

21 Q. Had you worked with him on that watch for
22 how long? How long had you --

23 A. We had been on the same watch probably
24 five or six months, from what I can recall.

1 Q. Did you ever socialize with him outside
2 of work?

3 MS. RUSSELL: Objection.

4 BY THE INTERVIEWEE:

5 A. No.

6 BY MS. ANSARI:

7 Q. What is your relationship with Officer
8 Walsh prior to October 20, 2014?

9 MS. RUSSELL: Objection.

10 BY THE INTERVIEWEE:

11 A. Coworkers as well.

12 BY MS. ANSARI:

13 Q. Did you ever socialize with him outside
14 of work?

15 MS. RUSSELL: Objection.

16 BY THE INTERVIEWEE:

17 A. No.

18 BY MS. ANSARI:

19 Q. How long have you known Officer Walsh?

20 A. Since I came to the watch in 2012.

21 Q. What is your relationship with Officer
22 Mondragon?

23 MS. RUSSELL: Objection.

24

1 BY THE INTERVIEWEE:

2 A. Coworkers.

3 BY MS. ANSARI:

4 Q. Did you ever socialize with her outside
5 of work?

6 MS. RUSSELL: Objection.

7 BY THE INTERVIEWEE:

8 A. No.

9 BY MS. ANSARI:

10 Q. What is your relationship with Officer
11 Sebastian?

12 MS. RUSSELL: Objection.

13 BY THE INTERVIEWEE:

14 A. Coworkers.

15 BY MS. ANSARI:

16 Q. Did you ever socialize with her outside
17 of work?

18 MS. RUSSELL: Objection.

19 BY THE INTERVIEWEE:

20 A. No.

21 BY MS. ANSARI:

22 Q. Same question regarding Officer Becerra.
23 What was your relationship with him?

24 MS. RUSSELL: Same objections.

1 BY THE INTERVIEWEE:

2 A. I worked with him a short period of time
3 when I was on third watch, and then after that, no,
4 nothing -- no socializing either.

5 BY MS. ANSARI:

6 Q. Okay. And same with -- same question
7 regarding Officer Leticia Velez. What was your
8 relationship with her?

9 A. I don't believe I've ever worked on the
10 same watch with her.

11 Q. Okay. And Officer Dora Fontaine?

12 A. Since I came to midnights in 2012.

13 Q. Okay.

14 A. So it's been coworker.

15 Q. Did you ever socialize with her outside
16 of work?

17 A. No.

18 Q. And Officer Ricardo Viramontes, did you
19 ever socialize with him outside of work?

20 A. No.

21 Q. And how long have you worked with him?

22 A. Since I came to the watch in 2012.

23 Q. 2012.

24 Where were you before you came to this

1 watch? Oh, you were in the 8th district, but you
2 were on --

3 A. I was on third watch.

4 Q. On third watch. Okay.

5 How long have you been in the 8th
6 district?

7 A. Since 2007.

8 Q. So after Laquan McDonald was shot and
9 before any other supporting police officers
10 arrived, did you speak with any of the officers we
11 just discussed on the scene?

12 A. No. I don't recall speaking to anybody.

13 Q. So who arrived -- after the shooting, who
14 arrived next?

15 A. We were --

16 MS. RUSSELL: Can you clarify that question,
17 who arrived next --

18 THE INTERVIEWEE: After what?

19 MS. RUSSELL: -- after the shooting as opposed
20 to all those people who were there? That's --

21 MS. ANSARI: Yeah.

22 BY MS. ANSARI:

23 Q. It would have been in terms of CPD
24 members. What I'm looking for here is, you know,

1 was it the sergeant and then the chiefs, the
2 detectives, kind of what happened after once all of
3 the supporting units started to come and do an
4 investigation?

5 A. Okay. Our sergeant, Steve Franko,
6 was what I remember -- other than those that were
7 already there? And then you said before other
8 exempts came, or are you talking about what I can
9 remember?

10 Q. So Franko is the first person you recall
11 being there kind of in --

12 A. I recall some cars being there. I don't
13 know specifically who was on them that day.

14 Q. Okay. When Officer Franko arrived on the
15 scene, did you speak with him?

16 A. No. Sergeant Franko.

17 Q. Sergeant Franko. I'm sorry.
18 I apologize. Did you see him speaking with any
19 other officers?

20 A. I saw him speaking to Officer Van Dyke.

21 Q. Did he speak with your partner, Officer
22 Gaffney?

23 A. At a certain point, yes. We spoke with
24 him and the detectives around the same time.

1 Q. Okay. I'll get to that.

2 Did you hear what -- you said you saw
3 Sergeant Franko speak to Officer Van Dyke. About
4 how long after the shooting was that?

5 A. Within minutes.

6 Q. Within minutes?

7 About how long did he -- he got to the
8 scene just several minutes after the shooting
9 happened?

10 A. Yeah. I don't recall how long, but it
11 was within minutes.

12 Q. Did you hear what they spoke about?

13 A. No.

14 Q. Other than Officer Van Dyke, did you see
15 Sergeant Franko speak with anyone else?

16 A. I don't recall.

17 Q. Did you see him speak with Officer Walsh?

18 A. No. I don't recall that.

19 Q. So after Sergeant Franko arrived at the
20 scene, who else arrived in terms of supervisors or
21 detectives?

22 A. I don't recall who came first or
23 anything like that, but I do remember the
24 detectives shortly after seeing our captain at the

1 time.

2 Q. And who is that?

3 A. Captain Walsh, Dennis Walsh.

4 Q. Do you remember seeing a commander David
5 McNaughton on the scene?

6 A. Yes.

7 Q. Do you know about when he arrived?

8 A. No.

9 Q. Did you speak with your captain, Dennis
10 Walsh?

11 A. I spoke with him while he assisted us
12 changing our flat tire.

13 Q. What did you --

14 A. Not in regards to the shooting. It was
15 just kind of he was showing us where to operate the
16 spare to come down, and he's kind of the hands-on
17 guy, so I guess he just assisted in that manner.

18 Q. Okay. So where was that? Where was the
19 car or, I mean, in relation to where the shooting
20 happened, where was he helping you with your car?

21 A. My partner parked it along the curb of
22 Pulaski and 40th Street or 41st Street.

23 Q. So I think it might be a little bit
24 easier if we go back a little.

1 Q. Did you see him speaking with any other
2 officers on the scene?

3 A. No.

4 Q. When you spoke with Sergeant Franko, you
5 said that was with the detectives?

6 A. He was kind of around. He wasn't really
7 in the conversation. He was just there.

8 Q. Did you speak with him separate from the
9 detectives or the first -- or was he was there a
10 separate conversation with him?

11 A. No, there is no conversation; it was
12 just kind of -- I mean, it wasn't a real -- maybe
13 he said, "Are you guys okay," or, you know, he kind
14 of got the gist of the story as he probably
15 overheard us telling the detectives what had
16 happened.

17 Q. So was the first time on the scene that
18 you described what happened to the detectives? Was
19 the first time you described what happened to a
20 detective?

21 A. Yes.

22 Q. So it wasn't to Commander McNaughton or
23 Sergeant Franko?

24 A. No.

1 Q. Did you do any -- I know that there were
2 a lot of witnesses or a lot of civilians around
3 when the shooting occurred. Were you responsible
4 for any crowd control or controlling the perimeter
5 of the scene after the shooting occurred?

6 A. We were, I guess, along the crime scene
7 tape. Not really -- not really, but sort of in the
8 same way by our presence.

9 Q. Did you direct any civilian witnesses to
10 leave the scene?

11 A. No.

12 Q. Did you see -- do you know what
13 officers -- did you see any officers directing any
14 witnesses to leave the scene?

15 A. No.

16 Q. Do you remember the names of the
17 detectives you spoke to at the scene of the
18 shooting?

19 A. No.

20 Q. You said it was more than one detective?

21 A. Yes.

22 Q. Okay.

23 A. It was at least two on a car that we
24 spoke to.

1 Q. So you said two in a car. Was it
2 different detectives interviewing each -- you know,
3 the officers that we've named that were on the,
4 Walsh, Van Dyke, Becerra, Velez, all those
5 officers, were the detectives kind of split up and
6 interviewing each and every one different officers?

7 A. I don't know who was assigned the job
8 and who was just there for support or to see what
9 was going on or to assist in any way. I know I
10 gave basically an on-scene interview, which was
11 written down in notes on the hood of our squad car,
12 and that was the only detective that I spoke to.

13 Q. And you don't have an independent --
14 outside from what the documents say, were you aware
15 of the detective speaking to you being Detective
16 David March?

17 A. I was not aware. They didn't give you
18 their names. They just come up to you and start
19 talking to you.

20 Q. Got it. Do you remember what the
21 detective looked like who spoke with you?

22 A. I couldn't tell you what they looked
23 like. I have no idea.

24 Q. And you said it was only -- I apologize.

1 You said it was only one detective talking to you?

2 A. There was, like, him and his partner.

3 Q. Him and his partner. Two detectives.

4 And you can't recall what either looked like?

5 A. No.

6 Q. About how long after the shooting did the
7 detectives approach you and talk to you?

8 A. It's hard to even ballpark. 20 minutes,
9 half hour maybe, somewhere around there.

10 Q. That's helpful.

11 You said that one detective was writing
12 notes of what you were saying on a piece of paper
13 on the hood of his car?

14 A. Scratch pad, yes.

15 Q. Okay. And were both the detectives
16 taking notes or was just one?

17 A. I recall one.

18 Q. You recall one. Okay.

19 So when you said that they were taking
20 notes on the hood of your car, your squad car?

21 A. Yes.

22 MS. RUSSELL: He said one, not "they."

23 MS. ANSARI: Sorry.

24

1 BY MS. ANSARI:

2 Q. That person was taking notes on the hood
3 of your squad car which was parked where?

4 A. It was parked along the curb on Pulaski,
5 the southbound lanes at 41st and Pulaski.

6 Q. Was your partner with you when you gave
7 your statement to the detectives?

8 A. Yes. We were standing next to each
9 other.

10 Q. Did you give your statements at the same
11 time kind of going back and forth, or did he give a
12 statement and then you gave a statement, or
13 vice-versa? How did that work?

14 A. I don't really recall if they asked us
15 separately or not.

16 Q. But you were there when he gave his
17 statement to the detectives?

18 A. Yes.

19 Q. And you were both standing outside of
20 your car?

21 A. Yes.

22 Q. On the same side of the car?

23 A. Yes.

24 Q. And he was there when you gave your

1 statement to the detective?

2 A. Yes.

3 Q. Besides the two detectives and you and
4 Officer Gaffney, was anyone else present for your
5 statements?

6 A. I don't recall if there was -- well, I
7 think --

8 Q. You said maybe Sergeant Franko was kind
9 of in and out?

10 A. Maybe Sergeant Franko kind of was
11 lingering in and out, maybe another detective
12 maybe, whoever was writing the notes, maybe his
13 partner.

14 Q. Did you recall Sergeant Franko saying
15 anything during your statement to the detectives?

16 A. No.

17 Q. So I just want to get this clear for the
18 record.

19 At the time that you spoke to the
20 detectives, before that, you hadn't spoken to
21 anyone about what happened that evening?

22 A. Before I spoke to the detectives?

23 Q. Before you spoke to the detectives
24 telling them your story about what happened on

1 October 20th, had you spoken to anyone else
2 about --

3 A. No.

4 Q. About what happened that night?

5 A. No.

6 Q. At any time, did anyone separate you from
7 the other officers or your partner at the scene?

8 A. We, my partner and I, were placed in the
9 back of the detectives' vehicle, squad car, and
10 kind of gave a run-down. We went back to where the
11 call started, and they checked where cameras would
12 be.

13 Q. Okay. Can you -- so when was that?

14 A. Shortly after we gave statements.

15 Q. So you gave your statements to the
16 detectives, and then did the same detectives take
17 you in the back of their car?

18 A. I don't know if it was the same ones or
19 somebody else, because I don't recall their faces
20 who interviewed me.

21 Q. But it was two detectives?

22 A. Yes.

23 Q. So two detectives after your -- about how
24 long after your statements did they take you?

1 A. Within a couple minutes, probably.

2 Q. Okay. So two detectives take you and
3 Officer Gaffney in the back of their squad car
4 to -- where did you go?

5 A. They said, "Where did the call start?"
6 And we told them where. We drove there and then
7 kind of ran through what we were saying happened.

8 Q. Okay.

9 A. And as we did that, I believe they were
10 looking on buildings to see what video footage was
11 available.

12 Q. As part of that conversation, did they
13 identify what videos were available?

14 A. They looked. They saw a camera at the
15 food depository. I don't recall anywhere else.

16 Q. So what happened after that, after the
17 detectives -- you drove with them and you
18 identified cameras that might have caught the
19 incident, including the Chicago Food Depository
20 camera. Well, then what happened?

21 A. We waited. And I recall an evidence
22 technician needed to be ordered to recover our tire
23 that had been punctured by Laquan McDonald and to
24 take a photo of the windshield which had been

1 stabbed by Laquan McDonald.

2 Q. So did the detectives drop you back off
3 to --

4 A. Yeah.

5 Q. -- do a certain -- where did they drop
6 you --

7 A. To our car.

8 Q. To your car. Okay. And that was still
9 parked where, at --

10 A. Yes.

11 Q. Southbound at 41st?

12 A. Southbound lanes at the curb.

13 Q. Okay. Got it.

14 So about how long did you wait until the
15 evidence technician came, approximately?

16 A. Maybe an hour.

17 Q. Okay.

18 A. Within an hour. They had to wait, and I
19 don't know, it was just kind of a waiting game. We
20 had a few things we had to do.

21 Q. So the evidence technician came, took a
22 photo of your windshield and took the tire?

23 A. They took fingerprints as well of the
24 vehicle.

1 Q. Took fingerprints of the vehicle?

2 A. Yeah.

3 Q. Okay. And then what happened?

4 A. I recall somebody coming and downloading
5 our video.

6 Q. And about how long after the shooting did
7 that happen?

8 A. Within a couple of hours.

9 Q. And then what happened after that?

10 A. We had to change our tire, so that took
11 time.

12 Q. And that was when you were with Captain
13 Walsh?

14 A. Yes.

15 Q. Had he been on the scene before that?

16 A. Yes.

17 Q. Do you know about when he arrived on the
18 scene?

19 A. Probably within a half hour.

20 Q. And so the video was downloaded, then
21 Captain Walsh helped you to change your tire. That
22 was a couple of hours?

23 A. Yeah. He had been on the scene already
24 and just kind of approached.

1 Q. And then what happened after that?

2 A. I remember waiting at the scene. We
3 were considered crime scene protection until we
4 were cleared to go to the area.

5 Q. What do you mean you were "considered
6 crime scene protection"?

7 A. They wanted us to wait there. I don't
8 know how many cars were there, like, making sure
9 that nobody crossed the lines.

10 Q. Oh, okay.

11 A. For the --

12 Q. You were there to protect the crime
13 scene.

14 A. Yeah.

15 Q. That's what I mean. Okay. So kind of to
16 make sure that everyone stays behind the yellow
17 tape, essentially?

18 A. Yeah.

19 Q. So you gave a statement to the two
20 detectives. They wrote it down on the hood of
21 their car, then they took you on kind of a drive to
22 describe what was going on at the scene, and then
23 they dropped you off.

24 At any other time did you talk to the two

1 detectives about what happened that night?

2 A. No.

3 Q. At the scene?

4 A. No.

5 Q. So within an hour, the evidence
6 technician -- then after the detectives dropped you
7 off, within an hour the evidence technician came to
8 tie a photo of your windshield and to get your
9 tire, correct?

10 A. Yes.

11 Q. And then a couple hours after that was
12 when the technician came to download the video?

13 A. Somewhere in between. I don't know
14 exactly when.

15 Q. Do you remember who the person was who
16 downloaded the video?

17 A. I don't believe it was a detective.
18 There was somebody in plainclothes. I think
19 it's -- I think it was a sergeant.

20 Q. Was it someone who was unusually tall; do
21 you recall?

22 A. Yes.

23 Q. It was?

24 A. Yes.

1 Q. Okay.

2 A. I can kind of recall his call sign, but
3 I don't know his name.

4 Q. Okay. Did you have any conversations
5 with that person?

6 A. Not me specifically. He was kind of
7 mumbling and cussing under his breath.

8 Q. Got it. Why was he mumbling and cussing
9 under his breath?

10 A. I don't know if he was not able to
11 download anything or if he was having trouble with
12 the camera, but he was kind of cursing, and I
13 remember him -- I remember my partner engaging, you
14 know, why -- he said something along the lines of
15 "People are going to get jammed up."

16 And then my partner said, "We
17 downloaded" -- or "We did everything that we're
18 supposed to."

19 And then he apologized, and he never
20 realized -- my partner didn't realize that he was a
21 sergeant, and he was kind of just screaming. It's
22 like because he couldn't -- like, he was fumbling
23 with the video or something with -- I don't know if
24 he was having a hard time with it or if he didn't

1 know what was going on with it, but I remember him
2 being mad.

3 Q. So the sergeant was mad, and then you
4 said your partner was the one who mostly engaged
5 him in conversation?

6 A. Yeah. He said something along the lines
7 of "Well, we did what we're supposed to."

8 Q. Okay. So we'll get into that a little
9 later, but we'll move on.

10 A. Okay.

11 Q. Did you see the detectives at the scene
12 speaking to any of the other officers who witnessed
13 the shooting?

14 A. Not specifically, no. I don't recall.

15 Q. Did you see any of the officers at the
16 scene specifically talking to Sergeant Franko?
17 I know you mentioned Van Dyke, but did you see him
18 talking to any of the other officers?

19 A. I don't recall that. I don't believe he
20 was.

21 Q. So there was a lot of waiting going on at
22 the scene, right?

23 A. Right. Yes.

24 Q. Did you talk to your partner about what

1 happened, kind of recapping about what happened
2 that night? Were you just --

3 A. On the scene, not really. We just kind
4 of waited it out and wondered what was going to
5 happen next.

6 Q. Did you guys fill out any forms on the
7 scene?

8 A. I don't recall that.

9 Q. At any time while you were on the scene,
10 did you hear Officer Van Dyke describe the
11 shooting?

12 A. No.

13 Q. Did you hear Officer Walsh describe the
14 shooting?

15 A. No.

16 Q. And you said at the scene the detectives
17 only took one statement from you, correct?

18 A. Yes.

19 Q. Did you see any FOP representatives at
20 the scene?

21 A. I don't recall.

22 Q. Did you talk to any FOP representatives
23 at the scene?

24 A. Not at the scene.

1 Q. Did you see any video of the shooting at
2 the scene?

3 A. No.

4 Q. Did you see anyone else watching video at
5 the scene?

6 A. No.

7 Q. So you didn't see Sergeant Franko
8 watching any video or Commander McNaughton watching
9 any video?

10 A. No.

11 Q. So you said that after you had been at
12 the scene for several hours, Captain Walsh helped
13 you change your tire, and then you were guarding
14 the perimeter and then after that was when you went
15 to the area, correct?

16 A. Yes.

17 Q. About how long after the shooting did you
18 go to the area?

19 A. Four hours. Five hours.

20 Q. Four hours? Okay.

21 MS. ANSARI: Do you have any questions at the
22 scene?

23 MR. VALDEZ: Yes.

24

1 FURTHER EXAMINATION

2 BY MR. VALDEZ:

3 Q. Immediately after the shooting, do you
4 recall seeing -- and I know you said you were on
5 kind of the perimeter, crowd control?

6 A. Yes.

7 Q. Do you recall seeing any officers
8 directing civilian witnesses away from the scene?

9 A. No.

10 MR. VALDEZ: Okay. That's it.

11 MS. ANSARI: Okay. So now we'll move to the
12 area.

13 MS. RUSSELL: Is this a good time for a little
14 break?

15 MR. VALDEZ: Yeah. That's fine.

16 MS. ANSARI: Time is 11:20, and we'll go off
17 the record.

18 (Whereupon, a break was taken.)

19 MS. ANSARI: We're back on the record. It's
20 11:26 p.m.

21 BY MS. ANSARI:

22 Q. So, Officer McElligott, we were about to
23 talk to what happened at area central that night of
24 the Laquan McDonald shooting. You said that you

1 went to area central about four or five hours after
2 the shooting occurred?

3 A. Yes.

4 Q. Do you remember approximately what time
5 that actually was?

6 A. Probably around 3:00-ish, maybe a little
7 later. I'm not sure.

8 Q. How did you get to area central?

9 A. We drove our car.

10 Q. So after the tire was changed, you drove
11 it?

12 A. After the tire was changed, we kept it
13 and we drove.

14 Q. Okay. And you drove with Officer
15 Gaffney?

16 A. Yes.

17 Q. Did anyone else drive with you?

18 A. No.

19 Q. Where's area central located?

20 A. 51st and Wentworth.

21 Q. When you got there, where did you go?

22 A. We went to the second floor detectives
23 unit.

24 Q. That's the -- you said that's the

1 detectives unit?

2 A. Their unit, yes.

3 Q. So when you got to the second floor, then
4 what happened?

5 A. We ate what was left of the pizza.

6 Q. So were other people already there?

7 A. They were there for a while before us.

8 Q. Okay. Who was -- so, sorry, I want to go
9 back really quickly to the scene. Were you guys
10 kind of the last officers there?

11 A. I believe so, yeah. We were probably
12 the last initial officers.

13 Q. Of the people who had --

14 A. Right.

15 Q. -- been at the shooting?

16 A. Most involved, yes.

17 Q. Do you remember how much earlier the
18 other officers who had been at the scene who had
19 witnessed the shooting had gone to area central?

20 A. An hour or two.

21 Q. An hour or two before you.

22 So why? Was that because a lot more
23 evidence needed to be taken?

24 A. Because we had a lot to wait for.

1 Q. Okay.

2 A. After the evidence technician, then they
3 told us to stick around until the scene pretty much
4 cleared.

5 Q. Why did -- so I understand -- this is
6 just for background, but I understand why they made
7 you wait for the evidence technician, because they
8 needed to get stuff from your car, but why else
9 would they make you wait and to kind of guard the
10 scene? Was it just --

11 A. I don't know.

12 Q. Okay. Just kind of bad luck of the draw?

13 A. Yeah, we were just --

14 Q. Okay.

15 A. -- following our orders.

16 Q. Got it. So when you got to area central,
17 you ate what was left of the food?

18 A. Yes.

19 Q. Who else was there at that time?

20 A. Jason Van Dyke, Joe Walsh, Daphne
21 Sebastian, Janet Mondragon, Rick Viramontes, and
22 Dora Fontaine, as well as, I think, 822, Becerra
23 and Velez.

24 Q. Velez?

1 A. Yeah.

2 Q. And they were there. Okay. So you
3 recall, you independently recall this --

4 A. And Steve Franko.

5 Q. And Steve Franko?

6 A. Yes.

7 Q. Sergeant Franko?

8 A. Sergeant Franko.

9 Q. So you independently recall seeing all of
10 these officers there at the --

11 A. Yes.

12 Q. -- area central?

13 And they were all there before you and
14 your partner got there?

15 A. Yes.

16 Q. Did you talk with any of these officers
17 about what you saw that night in terms of the
18 shooting?

19 A. No.

20 Q. What did you talk about with the
21 officers?

22 A. Didn't really talk to them. We all kind
23 of had kind of our own thing going on. We were
24 taken away from everybody. An evidence technician

1 came there as well and took our fingerprints with,
2 like, real ink, not like a computer but with real
3 ink, and they took a photo of us as well in a side
4 room --

5 Q. Okay. So you said --

6 A. On the unit.

7 Q. I apologize. I interrupted you. What
8 did you say?

9 A. In like a side room on the unit. I
10 don't know if it was an interview room or just a
11 holding cell.

12 Q. That was in the second floor?

13 A. A holding area. Yeah.

14 Q. So you got there, you ate, and then what
15 happened?

16 A. They did that with the fingerprints, and
17 then we kind of waited for IPRA to arrive.

18 Q. How long did you wait before your IPRA
19 interview?

20 A. I think it was around 4:00-something, so
21 we were kind of just waiting for each person to
22 give a statement, and then we gave ours. So --

23 MS. ANSARI: I think we have a time on the
24 statement.

1 THE INTERVIEWEE: As far as when I gave it
2 versus how long did it take for IPRA?

3 BY MS. ANSARI:

4 Q. Oh, no. I just wanted to actually know
5 how long you waited before you gave your IPRA
6 statement. It looks like it's about 4:51.

7 A. I'm not sure when we arrived, but it was
8 kind of a line of people giving interviews.

9 Q. Okay. So Van Dyke, Walsh, Sebastian,
10 Mondragon, Viramontes, Fontaine, and Becerra, were
11 they all and you and Officer Gaffney kind of all in
12 a main room on the second floor? Where were you
13 guys all actually located?

14 A. There is a -- basically, a giant office
15 with rows of computers, and we were all kind of
16 just scattered in those rows with those seats.

17 Q. Okay. So it wasn't like --

18 A. They're like cubby-holes. So we were
19 just kind of wandering the area.

20 Q. Okay. Got it. So it wasn't like
21 you -- was there kind of a central conference room
22 that you guys were all using, or you were just kind
23 of scattered?

24 A. No. It was just one big room.

1 Q. And where was Sergeant Franko during this
2 whole time?

3 A. Same area.

4 Q. Was Commander McNaughton there?

5 A. He may have stepped in and out. I've
6 seen him a couple times, but I don't recall him
7 hanging around like we were.

8 Q. Okay.

9 A. I don't know where --

10 Q. And did you have any -- I apologize.
11 Sorry.

12 A. I don't know where he was mainly during
13 that time, but --

14 Q. Did you have any conversations with
15 Commander McNaughton that night?

16 A. No.

17 MS. RUSSELL: At the area.

18 MS. ANSARI: At the area, yes.

19 THE INTERVIEWEE: No.

20 BY MS. ANSARI:

21 Q. Did you have any conversations with
22 Sergeant Franko that night?

23 A. At the area or all night?

24 Q. At the area. So we already talked about

1 your conversations --

2 A. The scene.

3 Q. -- with him on the scene. So now we'll
4 just -- well, at the area.

5 A. Okay. I don't recall any conversations
6 other than hanging around, nothing about the
7 shooting or anything, no. We were kind of just
8 done with talking at that point. We were just
9 waiting for the next --

10 Q. Procedural move?

11 A. -- part of -- yeah.

12 Q. Did you talk to any detectives at the
13 scene?

14 A. At the scene?

15 Q. At the area.

16 A. No.

17 Q. Okay. Did you see the detectives, any
18 detectives, talk to any of the other police
19 officers who had witnessed the shooting at the
20 area?

21 A. I recall them looking at a video and --
22 the video of Dunkin' Donuts, I believe, and
23 everybody was kind of over the shoulder.
24 I remember them specifically talking to either Joe

1 Walsh or Jason Van Dyke.

2 Q. Okay. So you saw detectives speaking to
3 Jason Van Dyke and Joseph Walsh, or --

4 A. I'm not sure if they were both there or
5 if they took them separately, but they were kind of
6 watching a Dunkin' Donuts video, and it was on one
7 computer, and several people were kind of like
8 trying to peek at what it showed.

9 Q. What it was showing. Okay.
10 Do you know which detectives?

11 A. No.

12 Q. No? Okay.

13 Were any of the other police officers
14 watching that video besides Walsh and Van Dyke?

15 A. I can't recall specifically, but there
16 probably would have been a couple.

17 Q. Did you or your partner Officer Gaffney
18 watch that video over the shoulder?

19 A. I over the shoulder, from what I could
20 see, I didn't see very much, but --

21 Q. Do you know when they retrieved that
22 video?

23 A. No.

24 Q. Do you know, what was everyone saying

1 about the video as they were watching it?

2 A. They were trying to see where they were
3 in relation to Laquan McDonald, I guess.

4 Q. Where who was?

5 A. Where -- I think they were talking to
6 either Joe or Jason, and they were trying to see,
7 like, when it began, kind of like an instant
8 replay.

9 Q. Okay.

10 A. What they could see from the beginning
11 to end and where everybody was standing.

12 Q. So was this conversation more Walsh and
13 Van Dyke explaining what happened to the
14 detectives, or was it the detectives saying, you
15 know --

16 A. They were kind of running through, yes.

17 Q. Okay. They were running through kind of
18 almost what had happened while looking at the
19 video?

20 A. Yes.

21 Q. Was any other video watched at the area
22 that you're aware of?

23 A. No.

24 Q. So not any --

1 A. I don't recall --

2 Q. Sorry. Go ahead.

3 A. I don't recall another video besides the
4 Dunkin' Donuts.

5 Q. So you don't recall a video from any of
6 the police officers' dash camera videos, such as
7 813R --

8 A. No.

9 Q. -- being shown that night?

10 A. Not on -- no.

11 Q. Okay. And you said you watched the
12 Dunkin' Donuts video over one of detectives'
13 shoulder, correct?

14 A. Sort of, yeah, what I could see.

15 Q. What you could see?

16 A. I wasn't the main person involved,
17 so --

18 Q. So when the detectives were watching the
19 video with Van Dyke and Walsh, did they make any
20 conclusions about what they saw? Did they say, you
21 know, "Okay, it looks like he was going towards you
22 guys," anything like that?

23 A. I think they were focused on the
24 officers' actions. They were saying -- I remember

1 them saying that Joe was back-pedaling at one
2 point. You could see, you could sort of see, but
3 it wasn't a great video, so --

4 Q. Okay. So you said that the detectives
5 mentioned that the video kind of showed that Joe
6 was back-pedaling?

7 A. Joe back-pedaling or Jason or both, I'm
8 not sure specifically, but I remember that being
9 sort of a topic.

10 Q. And that was something you heard the
11 detectives bring up, correct?

12 A. Yes.

13 Q. And when you heard the conversation that
14 Walsh and Van Dyke were having with the detectives,
15 did you hear them redescribing kind of what
16 happened that night?

17 A. So --

18 Q. Or was it more the detectives?

19 A. I don't recall anything further than
20 that they were kind of just back and forth
21 rewinding and showing again.

22 Q. And the detectives were saying --

23 A. Their placement on the scene.

24 Q. -- "Okay, look. It looks like you're

1 back-pedaling here"?

2 A. Yes.

3 Q. And they're agreeing with him?

4 A. Yes.

5 Q. So did you ever complete a Tactical
6 Response Report or an Officer's Battery Report
7 regarding the incident, the October 20th incident?

8 A. No.

9 Q. You know we're aware from your statements
10 about what happened before the shooting and you
11 following McDonald for quite some time and him --

12 A. Right.

13 Q. -- hitting the windshield and puncturing
14 the tire.

15 Why did you not file a Tactical Response
16 Report or an Officer's Battery Report?

17 A. They said because I was outside of the
18 car, I wasn't considered to be a victim.

19 Q. Okay.

20 A. During the attack of the car, basically.

21 Q. Got it. Understood.

22 A. My partner was inside, so they said,
23 "Since you were outside and he attacked the vehicle
24 while he was in it, not you, you're not a victim.

1 You don't have to fill this out."

2 Q. So who said that?

3 A. Detectives and Sergeant Franko, as far
4 as I know.

5 Q. So you are aware that your partner,
6 Officer Gaffney, did fill out a Tactical Response
7 Report and an Officer's Battery Report, correct?

8 A. I don't recall both of those.
9 I remember him filling out a TRR.

10 Q. A TRR. Okay.

11 Can you explain for the record what a TRR
12 is?

13 A. Basically, if you take any action using
14 weapons, you have to fill it out.

15 Q. If the officer --

16 A. Either as -- well, I'm not -- I don't
17 fill them out often, so --

18 Q. Okay. From what you know, it's just --

19 A. Basically, if there was some sort of
20 resisting involved, it's kind of just describing
21 what actions they used and you took to counter
22 them.

23 Q. Okay.

24 A. It's a bunch of boxes that need to be

1 checked. It's --

2 Q. Okay. And you said that either
3 detectives or Sergeant Franko told you you did not
4 need to fill out either of these forms because you
5 weren't considered a victim, correct?

6 A. Correct.

7 Q. Did you talk to anyone else besides the
8 detectives or Sergeant Franko about filling out
9 these forms?

10 A. No.

11 Q. So we kind of got to this. I just want
12 to make it a little bit clear.

13 So how come Officer Gaffney was required
14 to fill out the Tactical Response Report -- and he
15 did also fill out an Officer's Battery Report --
16 but you weren't? You said you weren't --

17 MS. RUSSELL: Objection. Relevance. Calls for
18 speculation.

19 BY MS. ANSARI:

20 Q. You were considered -- you weren't
21 considered a victim, but he was. And why is that?

22 MS. RUSSELL: That wasn't his testimony. He
23 didn't testify regarding what Gaffney was told or --
24 at least not to my recollection.

1 MS. ANSARI: You can answer the question.

2 BY THE INTERVIEWEE:

3 A. I thought I just explained it.

4 BY MS. ANSARI:

5 Q. Why do you think Officer Gaffney was
6 required to fill out those forms?

7 A. Because he was inside the car, and he
8 was perceived as being threatened by Laquan
9 McDonald with the knife, an aggravated battery
10 victim.

11 Q. Are you aware of any other officers
12 filling out Tactical Response Reports or Officer
13 Battery Reports that night?

14 A. Jason Van Dyke did for sure. I don't
15 recall anyone else.

16 Q. Do you know if Officer Van Dyke was --

17 A. Did you say battery reports or the TRR?

18 Q. Both. Either.

19 A. I do know that Jason Van Dyke, Joe
20 Walsh, and Tom Gaffney were listed as victims in
21 the aggravated battery with a knife.

22 Q. Were those three officers -- are you
23 aware of those three officers being told to fill
24 out those reports by anyone?

1 A. I was aware that I didn't have to.

2 Q. Okay.

3 A. And I knew they were filling them out,
4 so --

5 Q. Do you know who told them to fill out
6 those reports?

7 A. I believe they were -- Sergeant Franko
8 was having them fill them out.

9 Q. Okay. When the detectives were talking
10 to Walsh and Van Dyke about the Dunkin' Donuts
11 video, did it seem like they were trying to tell
12 Officers Walsh and Van Dyke what to say?

13 A. No.

14 Q. Okay.

15 A. I don't recall specific conversations
16 though.

17 Q. So IPRA interviewed you about the
18 McDonald shooting, correct, that night?

19 A. Yes.

20 Q. And that interview took place at area
21 central?

22 A. Yes.

23 Q. Who is present during that interview?

24 A. Dan Herbert, attorney for FOP, and a

1 representative from FOP.

2 Q. How long was FOP -- you said you didn't
3 see FOP at the scene of the shooting, correct?

4 A. I don't recall them at the scene.

5 Q. But when did you first see FOP reps, Dan
6 Herbert or any attorneys or representatives, at the
7 area?

8 A. Sometime in between when we were giving
9 fingerprints and pictures and when we actually gave
10 the interview.

11 Q. Okay.

12 A. I don't recall a specific time.
13 I don't --

14 Q. Did you see any FOP reps talking to the
15 other officers?

16 A. I recall one being there. I don't
17 recall the specific time or who they spoke to.
18 Maybe Jason was spoken to by FOP and by the lawyer,
19 Dan Herbert.

20 Q. Okay. Did you see any FOP reps helping
21 Officers Walsh, Van Dyke, or your partner Officer
22 Gaffney fill out the Tactical Response Reports or
23 Officer Battery Reports?

24 A. No.

1 Q. Did you have any conversation with an FOP
2 rep before your interfere, your IPRA interview?

3 A. No.

4 Q. Or Dan Herbert?

5 A. Not really. It was kind of just relax,
6 give a statement, kind of give a run-down of how
7 it's going to go. I mean, it was basically what
8 everybody did all night. It was like, "This is
9 what is going to happen next."

10 I've never been in this situation, so
11 those of us that don't normally do this, they kind
12 of said, "Well this is what happens, go to this and
13 that," kind of gave a --

14 Q. Okay. So what --

15 A. -- description of what happens now
16 during these incidents.

17 Q. Okay. So did you speak with FOP rep
18 before any -- before you spoke with IPRA, did you
19 speak with FOP rep about what you actually saw that
20 night, kind of the substance of what occurred?

21 A. I don't recall anything specific, any
22 specific conversations.

23 Q. But they procedurally went over what
24 would happen in the interview?

1 A. Right.

2 Q. You said -- is this the first
3 police -- is this the first shooting you've
4 witnessed, police-involved or not, just any
5 shooting?

6 A. That I can recall. I don't remember
7 being as close to one outside of this.

8 Q. And is this the first officer-involved
9 shooting you've --

10 A. Yes.

11 Q. -- been involved -- okay.

12 Did you have any conversations with your
13 partner Officer Gaffney regarding what happened
14 that night and your interactions with Laquan
15 McDonald before your IPRA interview?

16 A. No, I don't recall any conversations.

17 Q. Did you make any attempts to ensure that
18 the statement you were going to provide to IPRA was
19 consistent with the statements provided by the
20 other officers who were present at the McDonald
21 shooting?

22 A. No, there was no pre-discussion. We
23 just went in when it was our turn.

24 Q. Okay. Prior to your IPRA statement, were

1 you pressured in any way to make your IPRA
2 statement consistent with the statements of the
3 officers present at the scene?

4 A. No.

5 Q. After your IPRA statement -- sorry.
6 I just want to go back a little bit.

7 When you were at the area, you said that
8 you guys were waiting around to watch the video,
9 you got fingerprints taken and pictures taken in a
10 separate room?

11 MS. RUSSELL: He did say he looked over the
12 shoulder while the video was playing and he did not
13 see it all. He didn't watch the video.

14 MS. ANSARI: Right.

15 MS. RUSSELL: Let's just make sure.

16 MS. ANSARI: Thank you for correcting me.

17 BY MS. ANSARI:

18 Q. Before you gave your IPRA statement, did
19 you guys do anything else, or was it you were
20 mostly just waiting?

21 A. We were just waiting.

22 Q. After your IPRA statement, what did you
23 do?

24 A. We waited until we were told we were

1 able to leave. We all filled out overtime slips,
2 and then we left.

3 Q. So was the time after your IPRA statement
4 before you were -- how long was the time period
5 between after your IPRA statement before you were
6 told you could leave?

7 A. A couple of hours.

8 Q. Why weren't you told you could leave
9 right away? What else needed to be done?

10 A. They were giving other people
11 interviews, or they were doing other interviews,
12 IPRA, after myself.

13 Q. Okay. Why did they make you wait until
14 the other interviews were done?

15 A. I don't know. In case they needed us,
16 I guess.

17 Q. What time did you leave area central?

18 A. I don't recall a specific time.

19 Q. Did you leave with your partner
20 Officer Gaffney?

21 A. Yes.

22 Q. Where did you go after you left?

23 A. We went across the parking lot to try to
24 get a new spare tire.

1 Q. And then where did you go?

2 A. We went -- after not getting a spare
3 tire, we went in another district.

4 Q. And then you went home?

5 A. Yes.

6 Q. Do you know what time you got home that
7 morning?

8 A. I don't recall the specific --

9 MS. RUSSELL: Objection. Relevance.

10 BY THE INTERVIEWEE:

11 A. I don't recall.

12 MS. ANSARI: Do you have any questions about
13 the area?

14 MR. VALDEZ: Sure.

15 FURTHER EXAMINATION

16 BY MR. VALDEZ:

17 Q. And I'm sorry to back you up on this just
18 a little bit, but what jobs were you given that
19 night, if you recall any of those jobs?

20 A. What jobs.

21 Q. From dispatch. Yeah, what calls were you
22 placed on that night? So was the call --

23 A. This was the first one.

24 Q. Were you placed on another call for,

1 like, the crowd control? Did they ever assign you
2 to a job?

3 A. No. They just update that original
4 call.

5 Q. Okay. And then when you received the
6 order or the call to go to the area, how did you
7 receive that order or call?

8 A. I don't remember.

9 Q. Did you --

10 A. Somebody on the scene, the supervisor on
11 the scene, said go ahead and go.

12 Q. Okay. Just -- got it.

13 And you said when you were at the area
14 that you were separated from everyone, you said "we
15 were," and by "we," do you mean yourself and your
16 partner?

17 A. Yes.

18 Q. Okay. And do you recall what room they
19 took you to? Were you guys together?

20 A. I can recall the room. It was a very
21 empty room. It was a small room with white walls.

22 Q. So they take your picture and your
23 partner's picture as well as fingerprints, correct?

24 A. Fingerprints.

1 Q. And after that, are you returned then to
2 the -- we'll call it the --

3 A. Main room.

4 Q. -- main area?

5 A. Yes.

6 MR. VALDEZ: Okay.

7 FURTHER EXAMINATION

8 BY MS. ANSARI:

9 Q. So now I would like to provide you with
10 Exhibits 6 and 7.

11 (Whereupon, documents were tendered
12 to the Interviewee and counsel.)

13 MS. ANSARI: Exhibit 6 and Exhibit 7.

14 BY MS. ANSARI:

15 Q. Now, Exhibit 6 is titled Case
16 Supplementary Report. Do you know what a Case
17 Supplementary Report is?

18 A. Specifically with this title?

19 Q. Yeah. What is it generally, like, how is
20 it used in CPD?

21 A. It's kind of like an additional page,
22 I guess. A regular supplemental one, I don't know
23 if there's a difference between case supplemental
24 or a -- we have supplementary reports in our

1 station, but they don't look like this. They're
2 paper, and that's basically it.

3 Q. Okay. What is the purpose of a Case
4 Supplemental Report?

5 A. It's, I guess, to keep things together
6 but also separate.

7 Q. Okay. Exhibit 7 is a General Progress
8 Report. Do you know what -- I am going to call it
9 a GPR, but do you know what these are?

10 A. These are detective reports. I always
11 thought they were just a note pad, but they're an
12 actual report.

13 Q. Okay. So this is what the detectives
14 used at -- is this what the detectives take their
15 notes on?

16 A. Yes, I believe so.

17 Q. Okay. Now let's go through Exhibit 6.
18 That's the Case Supplemental Report. If you turn
19 to page 12, towards the bottom you'll see your
20 statement, and it goes to page 13. Can you please
21 review your statement and let me know when you're
22 ready.

23 A. Okay.

24 Q. I just want to go over a couple of these

1 sentences line by line, and then I'll ask you some
2 general questions.

3 A. Uh-huh.

4 Q. So if we go to page 13, the first full
5 paragraph, "When McDonald ran eastbound through the
6 parking lot of the Burger King, Officer McElligott
7 ran after McDonald and pursued."

8 Did you make this statement to the
9 detectives on the night of October 20, 2014?

10 A. I don't recall specifically these words,
11 but I gave kind of an overall run-down of what
12 happened.

13 Q. Okay. So for a couple of these
14 sentences, I'm going to ask you just to go -- to
15 give you a heads up --

16 A. Okay.

17 Q. -- two questions: Essentially, did you
18 make that statement, and is that statement
19 accurate.

20 So you say you don't recall necessarily
21 making that statement, but is that statement
22 accurate?

23 A. It's mostly accurate.

24 Q. What is -- when you say "mostly," what's

1 not accurate about it?

2 A. There's less detail as to where I was,
3 the proximity of where I was during this.

4 Q. What do you mean? So what's the more
5 detail that should be included?

6 A. Well, I ran after him, and there was
7 traffic coming on Pulaski. There's a ramp for the
8 Stevenson, and it was coming down, and when I
9 turned the corner, when I actually got to Pulaski,
10 which I didn't go into the street until I got to
11 the light, so specifics as far as when it says "ran
12 out into the middle of Pulaski" --

13 MS. RUSSELL: Are you still -- are you on the
14 first sentence?

15 MS. ANSARI: Well, I'm still on the first
16 sentence, but we can go into --

17 MS. RUSSELL: The first sentence first.

18 BY MS. ANSARI:

19 Q. Yeah. So we'll kind of take this in
20 pieces.

21 The first sentence, "When McDonald ran
22 eastbound through the parking lot of the Burger
23 King, Officer McElligott ran after McDonald and
24 pursued," is that --

1 A. That is accurate.

2 Q. That is accurate. Okay. And do you
3 recall saying that to the detectives?

4 A. Yes.

5 Q. Okay. Now, the second sentence,
6 "McElligott ran out into the middle of Pulaski Road
7 in pursuit of McDonald," do you recall saying that
8 to the detectives?

9 A. No.

10 Q. And is that statement accurate?

11 A. It's somewhat accurate.

12 Q. Okay. And what is the more -- and I know
13 you were describing this. What is the more detail
14 that should be included?

15 A. I was on the sidewalk once I got to
16 Pulaski, and I followed up until I
17 reached -- there's a light at 41st Street.

18 Q. Okay. So where it says, "McElligott ran
19 out to the middle of Pulaski road in pursuit of
20 McDonald," that is only somewhat correct because
21 you actually --

22 A. I didn't reach the middle of Pulaski
23 until seconds later. When I reached the light, the
24 light was turning green and traffic was -- I was

1 expecting traffic to come to the scene. There were
2 also squad cars congested in the area as well as
3 coming toward me. And just details, some details
4 are missing.

5 Q. Okay.

6 A. It's a very strong summary, shortened
7 summary.

8 Q. Yeah. So what do you mean that's a
9 strong or shortened summary?

10 A. Because they go right into the shooting
11 when, in my mind, a couple of things happened prior
12 to that.

13 Q. So yeah. So essentially is this what
14 you're saying -- and I'm paraphrasing. Please tell
15 me if I'm wrong. It says, "McElligott ran into
16 Pulaski in pursuit of McDonald, then McElligott
17 heard multiple gunshots." Essentially, in between
18 those two sentences, you said --

19 A. There's seconds missing. I was at the
20 light. I waved a car ahead of me, and it did a
21 U-turn in front of me. I heard the shots, and then
22 after I started hearing the shots and saw that
23 traffic was being blocked -- because I believe 821
24 Robert completely cut off traffic at 40th Place, I

1 think it is.

2 Q. Okay. Okay.

3 A. So I -- there was a pause that was
4 missed in this. I paused and then turned to walk
5 toward the scene.

6 Q. Do you have any guess on why those
7 statements are missing from this CSR?

8 A. I don't know. They're different --
9 they're very brief and they're written statements,
10 so it's kind of -- I don't know specifically.
11 I mean, they're not the same. It's not transpired
12 from written to typed. So however the statements
13 were made. Slightly different. I don't know.
14 They hit on, like, bullet points in the
15 written and then kind of -- kind of did their
16 thing, and it's perhaps misinterpretation or -- I
17 don't know.

18 Q. Okay.

19 A. My details may not be as important
20 details in the overall scheme of the whole
21 situation.

22 Q. So let's go back to -- let's go to the
23 next statement.

24 So there are a couple seconds missing,

1 but then when it goes to "McElligott heard multiple
2 gunshots but did not see who fired the shots," did
3 you say that to the detectives?

4 A. Yes.

5 Q. And is that what happened?

6 A. Yes.

7 Q. Or is that accurate?

8 A. Mostly accurate.

9 Q. Why is that just -- that sentence mostly
10 accurate?

11 A. Because I didn't see who was shooting,
12 but there were reasons why. In the summary, that's
13 accurate, yes.

14 Q. But you said you didn't -- you said you
15 didn't see the shooting, so that's accurate, but
16 there was a reason why, which is not included in
17 here?

18 A. I don't recall -- I had reasons why, but
19 like I said, they bullet-point things, whether they
20 were said and written down or it was just the
21 note-taking that I took as notes.

22 MS. RUSSELL: I think at the end of the day, he
23 has no idea why detectives write what they're
24 writing. He can't guess why they're doing. He's

1 trying to explain to you why notes are done, why it
2 gets into the reports. At some point --

3 MS. ANSARI: Right. I understand that.

4 BY MS. ANSARI:

5 Q. So what I want to know is what happened.

6 So why didn't --

7 MS. RUSSELL: So just ask him what happened.

8 He'll tell you.

9 BY MS. ANSARI:

10 Q. When you said you didn't see the
11 shooting, but there were reasons why, what were
12 those reasons?

13 A. I was facing northbound when I first
14 heard the shots. I was stopped at the light.
15 There were squad cars coming at me and turning
16 around. And the Mars lights that we have now are
17 so bright that you can't see very far ahead or next
18 to them. One drove by me. I couldn't see their
19 VIN tag if I wanted to because they're just so
20 bright. And I was approaching the scene while
21 shots were being made.

22 Q. Okay. Mars lights are the --

23 A. The blue lights on the top.

24 Q. Okay.

1 A. They're like LED now, so they're
2 extremely bright.

3 Q. Okay. Got it. So the next sentence in
4 the statement says, "The gunfire was continuous,
5 one shot after another."

6 Did you say that to the detectives?

7 A. I don't know specifically if that was my
8 statement, but it was mostly accurate that what he
9 wrote down, or it was accurate.

10 Q. That was accurate?

11 A. Yeah.

12 Q. That statement. Okay.

13 A. Verbatim, I don't know.

14 Q. Okay. Understood.

15 And then the next statement is
16 "McElligott then saw McDonald lying on the ground"?

17 A. Yeah.

18 Q. Did you make that statement?

19 A. Yes.

20 Q. And is that statement accurate?

21 A. Yes.

22 MS. ANSARI: So I think we're going to show the
23 video right now, Jennifer. Do you want to take a
24 break, or do you want to just go straight into it?

1 MS. RUSSELL: Let's do it.

2 MS. ANSARI: Okay.

3 MS. RUSSELL: Which video?

4 BY MS. ANSARI:

5 Q. So I am now going to show you a portion
6 of the video that was recovered from the in-car
7 video system of the beat 813R vehicle. This is one
8 of the videos that the Office of the Inspector
9 General provided to Officer McElligott on April 21,
10 2016 on a DVD. Raul is going to --

11 MS. ANSARI: Well, you did.

12 MR. VALDEZ: Well, I'm sorry.

13 MS. ANSARI: Raul is going to open the VOC
14 media file titled video_ts.ifo on his laptop, and we
15 will project it onto the screen here. The file
16 contains 6 minutes and 5 seconds of footage. The
17 video also has a timestamp on it indicating the date
18 and time the video was recorded. We are going to
19 advance the video to timestamp --

20 MR. VALDEZ: 4:10?

21 MS. ANSARI: 4:10? The VOC media bar actually,
22 we're going to advance the VOC media bar time to
23 4:10.

24 Now, Officer McElligott, I'm going ask

1 that you watch the next 20 or 30 seconds of footage,
2 and then we'll ask you a couple questions.

3 (Whereupon, a video was shown.)

4 MS. ANSARI: Could we pause there?

5 I apologize.

6 MR. VALDEZ: Sure. How far back do you want us
7 to go?

8 BY MS. ANSARI:

9 Q. Officer McElligott -- you can pause
10 here -- do you know which car this is shown in the
11 video, which beat?

12 A. I do now.

13 Q. Okay.

14 A. It's 845 Robert.

15 (Whereupon, a video was shown.)

16 MS. ANSARI: Now pause here.

17 BY MS. ANSARI:

18 Q. Officer McElligott, if you see, now we're
19 at timestamp 4:18. Is that you running behind
20 the --

21 A. Yes.

22 Q. -- police SUV? That's you?

23 A. Yes.

24 Q. Okay. And what car is in front of you

1 right there?

2 A. 845 Robert.

3 Q. That is 845 Robert. Okay. And that is,
4 for the record, you running through the Burger King
5 parking lot, correct?

6 A. Yes.

7 MS. ANSARI: Okay.

8 (Whereupon, a video was shown.)

9 MS. ANSARI: Can we pause right here.

10 BY MS. ANSARI:

11 Q. So we don't see you on the video. We see
12 you running and then --

13 A. Then I stop.

14 Q. Then 813R goes around. And what I'm
15 wondering is where did you -- as best as you can
16 describe, where did you stop? You were running
17 through the parking lot, you said, and then you
18 stopped?

19 A. I stopped at the sidewalk.

20 Q. Where was it? At the sidewalk. Okay.
21 And you said that was at the 41st Street light?

22 A. That light, I believe, is 41st Street.
23 That is not 40th Place.

24 Q. Okay.

1 A. That's kind of a short block.

2 Q. Oh, that light is -- you said that's
3 40th?

4 A. It's like an extra light. So it's,
5 like, 40th Place or 41st Street. I don't know.
6 I'm not sure.

7 Q. And you said you stopped because there
8 was traffic coming, correct?

9 A. There was traffic building at the bottom
10 of the ramp that's behind this officer.

11 MS. ANSARI: Okay. Understood. Let's keep
12 going.

13 (Whereupon, a video was shown.)

14 MS. ANSARI: Let's pause right here.

15 BY MS. ANSARI:

16 Q. At this point, are you still stopped
17 where you said you were at the --

18 MS. RUSSELL: At 4:35?

19 BY MS. ANSARI:

20 Q. Yes. At 4:35, where were you?

21 A. I was walking toward the light.

22 Q. Okay. And could you --

23 A. On the sidewalk.

24 Q. Okay. And could you see McDonald in the

1 video? At 4:35, McDonald is in the middle of
2 Pulaski kind of on the left of the median?

3 A. I don't recall seeing where he was.

4 Q. You don't recall seeing him --

5 A. I don't recall, because this car is here
6 (indicating), and then I was -- like I said, the
7 Mars lights on top, I don't recall seeing this
8 position.

9 Q. Okay. So what I want to do --

10 MS. ANSARI: If we can go back a couple
11 seconds, Raul.

12 BY MS. ANSARI:

13 Q. I'm wondering if you could describe to me
14 kind of when is -- when --

15 MS. ANSARI: That's actually fine.

16 BY MS. ANSARI:

17 Q. When you stopped being able see McDonald,
18 if you could point it out on the video. Just tell
19 us to pause, and we can do that.

20 MR. VALDEZ: So just let me know, "Pause," and
21 I'll click it.

22 MS. RUSSELL: So what exactly is the question
23 you're asking him?

24

1 BY MS. ANSARI:

2 Q. What I want to know is when you lost
3 McDonald from your sight.

4 A. Yes.

5 Q. That's a bad way of wording that.

6 A. Okay.

7 (Whereupon, a video was shown.)

8 THE INTERVIEWEE: I would say right here.

9 MS. RUSSELL: At 4:29.

10 MS. ANSARI: At 4:29.

11 THE INTERVIEWEE: Or a second later or
12 something, somewhere around there.

13 BY MS. ANSARI:

14 Q. Okay. Got it. And then we're going to
15 keep playing, and then if you could tell me when
16 you were able to see what happened, when was the
17 next you were able to see what happened if it's in
18 the video.

19 (Whereupon, a video was shown.)

20 BY THE INTERVIEWEE:

21 A. Probably somewhere around here is when I
22 turned around.

23 BY MS. ANSARI:

24 Q. Okay. So did you see McDonald being --

1 MS. RUSSELL: At 4:48?

2 MS. ANSARI: At 4:48, for the record.

3 BY THE INTERVIEWEE:

4 A. I don't recall seeing him actually fall
5 or not. I remember him being on the ground, and I
6 was walking then down the middle of Pulaski.

7 BY MS. ANSARI:

8 Q. Okay. Did you see Officers Walsh and
9 Van Dyke exit their vehicle?

10 A. No.

11 Q. Did you see them -- and you did not see
12 who shot Laquan McDonald?

13 A. I could not see that far.

14 MS. ANSARI: Okay. This is the last video. Go
15 back a couple seconds.

16 (Whereupon, a video was shown.)

17 BY MS. ANSARI:

18 Q. So this squad car, if we can keep going,
19 do you know what the squad car is that's facing
20 McDonald, that one right there?

21 A. That one is 22 afternoons.

22 Q. Okay.

23 (Whereupon, a video was shown.)

24

1 BY MS. ANSARI:

2 Q. And you'll notice at 441, 822 goes out of
3 the screen?

4 A. Yes.

5 Q. Where is that? Why does 822 go?

6 A. They come around and do a U-turn in
7 front of me after 813 Robert stops. He's turning
8 in front of me. I wave him. I hear the shots and
9 I look up at the light, and my concern was traffic
10 coming toward gunshots.

11 Q. Okay. Understood. And so and you said
12 the lights of the vehicle were so bright. It was
13 that was one contributing factor of not being able
14 to see?

15 A. It's a contributing factor, yes.

16 Q. Which lights were the ones that were
17 directly in your vision?

18 A. Probably mostly 813 Robert and 22
19 afternoons as they were both between Laquan
20 McDonald and myself.

21 Q. Got it.

22 MS. RUSSELL: Two times? Right between?

23 THE INTERVIEWEE: They didn't have a top over
24 their head. It was two regular.

1 MR. VALDEZ: Would you like me to back up so
2 you can see the vehicle?

3 MS. RUSSELL: No. I'm just trying to see
4 between them.

5 THE INTERVIEWEE: The one that came this way.
6 There were two.

7 MS. RUSSELL: Yeah. Right.

8 MS. ANSARI: Do you have any questions about
9 the video?

10 MR. VALDEZ: Yes.

11 FURTHER EXAMINATION

12 BY MR. VALDEZ:

13 Q. I just want to make sure I have a good
14 understanding of what happened after you turned the
15 corner onto Pulaski.

16 So you're running in a northeast
17 direction through the parking lot, correct --
18 excuse me, southeast direction through the parking
19 lot?

20 A. Yes.

21 Q. You get to Pulaski and the Burger King,
22 we'll call it. At this point, you said you're
23 walking on the sidewalk?

24 A. Once they went over the curb after him,

1 after Laquan, I stopped and looked at oncoming
2 traffic.

3 Q. So you look at southbound traffic?

4 A. Yes.

5 Q. On Pulaski.

6 You said the traffic was starting to
7 build up at the end --

8 A. There was a light almost ready to
9 change, from what I can recall.

10 Q. Okay. And I know you said that you were
11 facing northbound at the light when the shots were
12 fired initially; is that correct?

13 A. My -- I was facing -- I was facing
14 northbound.

15 Q. So you're looking at the traffic coming
16 towards you?

17 A. I'm essentially blocking the light.

18 Q. Okay. So your concern is traffic heading
19 towards the scene?

20 A. The scene.

21 Q. And as opposed to looking at McDonald and
22 the confrontation between --

23 A. I turned my attention away. There were
24 several blue lights coming, and then I heard shots.

1 Once I saw that traffic was blocked is when I
2 turned around to go toward the shots.

3 Q. Toward the confrontation, we'll call it?

4 A. Yes.

5 MR. VALDEZ: Okay.

6 FURTHER EXAMINATION

7 BY MS. ANSARI:

8 Q. So I want you to go back to the Case
9 Supplemental Report and look at the statements
10 attributed to Officer Gaffney. Actually, you know
11 what? I'm sorry. Can we go back through to your
12 statement? And you read your whole statement. We
13 didn't ask you about all of the statements that are
14 attributed to you.

15 Are there any other statements in here
16 that you think are incorrect or didn't happen,
17 characterized incorrectly?

18 MS. RUSSELL: You're talking about only his
19 statement?

20 MS. ANSARI: Only his statement.

21 BY THE INTERVIEWEE:

22 A. It was probably on this, and this I'm
23 not so --

24 MS. RUSSELL: Yeah.

1 BY THE INTERVIEWEE:

2 A. I thought that's accurate.

3 BY MS. ANSARI:

4 Q. Okay. If you could take a look at the
5 statement attributed to your partner,
6 Officer Gaffney, so that starts at page 11 and goes
7 to page 12. And I want to know if there's anything
8 incorrect in that statement.

9 A. The address is approximate. I think it
10 was just shy of 41st Street.

11 Q. Okay. Where it says 40th Street from
12 Kildare?

13 A. Yeah, it was -- I think we were on 40th,
14 and there's a yard that's connected to 40th. It
15 starts at 40th and goes probably until 41st Street.

16 Q. Okay.

17 A. So somewhere in between there.

18 Q. Right.

19 A. It seems to be accurate.

20 Q. All right. So I'm going to go through --
21 so you said that your partner's statement appears
22 to be accurate, correct?

23 A. Yes.

24 Q. I'm going to go through the allegations.

1 And so this is going to be repetitive of what we
2 just talked about. I'm going to go through the
3 allegations listed in your Notice of Allegations
4 and just ask you for a response to each allegation.

5 MR. VALDEZ: Officer, could I get those
6 exhibits back, please.

7 (Whereupon, documents were tendered to
8 Mr. Valdez.)

9 MR. VALDEZ: Here's the Notice.

10 (Whereupon, a document was tendered to
11 the Interviewee.)

12 BY MS. ANSARI:

13 Q. "It is alleged that on or about
14 October 20, 2014, you made a false statement during
15 an interview with Detective March when you stated
16 that you heard multiple gunshots but did not see
17 who fired the gunshots."

18 What is your response to that allegation?

19 A. I heard multiple shots and did not see
20 who fired the shots based on different reasons.

21 Q. Okay.

22 A. That we've discussed.

23 Q. All right.

24 MS. RUSSELL: Can we take a quick break?

1 MS. ANSARI: Yeah. Sure. We are going off the
2 record. It is 12:23 a.m.

3 (Whereupon, a break was taken.)

4 MS. ANSARI: We'll go back on the record. It's
5 12:25 a.m.

6 BY MS. ANSARI:

7 Q. "It is alleged that on or about
8 October 20, 2014, you made a false statement during
9 an interview with Detective March when you stated
10 you heard multiple gunshots but did not see who
11 fired the gunshots."

12 What is your response to that statement?

13 A. It is not false, and I did not see who
14 fired the shots.

15 Q. Okay. "It is alleged that on or about
16 October 20, 2014, you made a material omission when
17 you failed to tell Detective March that McDonald
18 changed the direction in which he was walking prior
19 to the shooting."

20 What is your response to that allegation?

21 A. I was not able to see what had happened
22 immediately prior to shooting.

23 Q. "It is alleged that on or about
24 October 20, 2014, you made a material omission when

1 you failed to tell Detective March that
2 Officers Walsh and Van Dyke moved toward McDonald
3 prior to the shooting."

4 What is your responses to that
5 allegation?

6 A. I did not make a material omission.
7 I did not see the officers' actions just prior to
8 the shooting.

9 Q. "It is alleged that on or about
10 October 20, 2014, you made a false statement during
11 an interview with Detective March when you stated
12 that the gunfire was continuous, one shot after
13 another"?

14 A. I did not make a false statement. I did
15 hear the gunshots continuous, one after another.

16 Q. "It is alleged that on or about
17 October 20, 2014, you made a false statement during
18 an interview with Detective March when you stated
19 that Officer Van Dyke continued to shoot McDonald
20 after McDonald fell to the ground" -- I apologize.

21 "It is alleged that on or about
22 October 20, 2014, you made a material omission
23 during an interview with Detective David March when
24 you failed to state that Officer Van Dyke continued

1 to shoot McDonald after McDonald fell to the
2 ground."

3 A. I don't --

4 Q. What is your response?

5 A. I don't recall specifically continuing
6 to shoot. I don't recall that. So I did not make
7 a material omission because I don't recall that
8 happening.

9 Q. "It is alleged that on or about
10 October 21, 2014, you made a material omission
11 during an interview with IPRA Investigator Killen
12 when you failed to state that Officers Walsh and
13 Van Dyke moved towards McDonald prior to the
14 shooting."

15 What is your response to that allegation?

16 A. I did not make a material omission
17 because I did not see the officers' actions just
18 prior to the shooting.

19 Q. "It is alleged that on or about
20 October 21, 2014, you made a material omission
21 during an interview with IPRA Investigator Killen
22 when you failed to state that McDonald changed the
23 direction in which he was walking prior to the
24 shooting"?

1 A. I did not make any material omission
2 because I did not see specifically what had
3 happened just prior to Laquan McDonald being shot.

4 Q. "It is alleged that on or about
5 October 21, 2014, you made a material omission
6 during an interview with IPRA Investigator Killen
7 when you failed to state that Van Dyke continued to
8 shoot McDonald after McDonald fell to the ground."

9 What is your response to that allegation?

10 A. I did not make a material omission
11 because I do not recall Officer Van Dyke continuing
12 to shoot after he fell to the ground.

13 MS. ANSARI: Okay. So we're going to move on
14 to questions regarding the dash camera system and
15 eventually the allegations alluding to that.
16 Investigator Valdez is going to lead the questioning
17 in this section.

18 FURTHER EXAMINATION

19 BY MR. VALDEZ:

20 Q. Officer McElligott, are you aware that
21 vehicle 815 Robert to which you were assigned on
22 October 20th, are you aware of the vehicle number
23 that was assigned to that?

24 A. Yes.

1 Q. What was the vehicle number?

2 A. 8489.

3 Q. And that car has a video system, correct,
4 in-car video system?

5 A. Yes, it did.

6 Q. And just for the record, can you explain
7 what an in-car video system is?

8 A. It's a camera that's attached to --
9 slightly to the passenger side windshield which has
10 software that shows the camera view and a screen.

11 Q. And can you walk us through the ways you
12 as an officer use that video system in the course
13 of your duties?

14 A. We enter the car --

15 MS. RUSSELL: Are you talking about the Laquan
16 McDonald shooting?

17 MR. VALDEZ: Yes, please.

18 BY MR. VALDEZ:

19 Q. On that night of October 20th.

20 A. On that night?

21 Q. Yes.

22 A. We entered the vehicle and we log --
23 after we do an inspection, a short inspection of
24 the damage, possible damage outside prior to us

1 driving it, we check the back seat, and then we log
2 into the computer -- or we log into the in-car
3 camera system and as well as our computer.

4 Q. Okay. Did that differ from the way that
5 you used the system any other night?

6 A. No.

7 Q. And that video system also captures
8 audio; is that correct?

9 A. Yes.

10 Q. Upon entering the vehicle -- excuse me.
11 Let me back up.

12 As of October 20, 2014, were you aware of
13 any rules or regulation that govern the use of that
14 system?

15 A. I was aware they existed, but my first
16 training was years before, and we've changed the
17 types of cars from my original training from a Ford
18 Crown Victoria to a Chevy Tahoe. So there are
19 slight differences.

20 Q. And that vehicle that you were assigned
21 to, R8489, were you assigned to that vehicle at
22 other times prior to October 20th?

23 A. Yes.

24 Q. Is that your regular vehicle that you

1 would use?

2 A. Yes, it was our regular vehicle.

3 Q. At that time, October 20, 2014, how long
4 had you worked in vehicles with the in-car video
5 system?

6 A. Probably since, from what I can recall,
7 when I started in the 8th district, somewhere
8 around there.

9 Q. And what year was that, just for my
10 recollection?

11 A. I started in 2007.

12 Q. So approximately --

13 A. Some vehicles had them; some did not.
14 It kind of varied.

15 Q. Okay. Are you familiar with Special
16 Order Sam 03-05?

17 A. I'm not that familiar with it.

18 Q. Okay.

19 A. I don't know what it says.

20 Q. What I'll do is I will enter this as
21 Exhibit 8. And this is a Special Order S03-05,
22 In-Car Video Systems. This one specifically is
23 date 23rd February 2012.

24

1 (Whereupon, McElligott Exhibit 8
2 was marked for identification.)

3 BY MR. VALDEZ:

4 Q. So I would just like to put this in front
5 of you. If you would like to take a look at that
6 for a minute.

7 A. Okay.

8 Q. Specifically, I want to go over to
9 page 3, and I'm looking specifically at section 6
10 titled Operational Procedures.

11 A. Yes.

12 Q. Specifically where it says that, "At the
13 beginning of a tour of duty, a department member is
14 to visually inspect the in-car video system for
15 damage," and I know you said when you enter the
16 vehicle, that's one of the steps that you take?

17 A. Yes.

18 Q. It also says, "To obtain the remote
19 transmitter/audio recorder and ensure it is
20 securely attached to the member's person."

21 Is that something that you recall doing
22 on October 20th?

23 A. Not that day. We did not.

24 Q. Okay.

1 A. We did not attach the audio recorder to
2 our person.

3 Q. Where are the audio recorders and/or
4 microphones, we'll call them? Where are those
5 usually kept in that vehicle?

6 A. In that vehicle, they were underneath
7 the PDT in, like, a charger port.

8 Q. Okay. So on the charging cradles?

9 A. Yes.

10 Q. When you entered that vehicle, you said
11 that they weren't attached to your person. Do you
12 recall doing anything with the microphones upon
13 entering the vehicle?

14 A. No.

15 Q. And I know you said you had received
16 training when you first got into the in-car video
17 system vehicle, correct?

18 A. Yes.

19 Q. Was it just one training?

20 A. Yes, that I can recall. Yes.

21 Q. Do you recall where that training was
22 held?

23 A. At the police academy.

24 Q. Okay. And that's the main one on --

1 I think it's Racine and --

2 A. 1300 West Jackson.

3 Q. Got it. And this was just the one
4 training, you said. Was it at a live training?
5 Was it a video training? Do you recall any
6 specifics about that?

7 A. It was a classroom training, and they
8 showed us the cameras, and I think we watched
9 video.

10 Q. When you entered that vehicle October the
11 20th and you did the inspection, did you note or at
12 least notice, yourself or Officer Gaffney, anything
13 that was broken or damaged with the camera?

14 A. No.

15 Q. As part of the startup procedures, do you
16 have to inspect the actual screen that you can see
17 as officers to make sure that it's recording
18 properly?

19 A. At the time, we would log in and see
20 that it showed the screen with the appropriate
21 footage in front of us.

22 Q. So as long as that's showing, for the
23 most part it's an operational camera?

24 A. Pretty much we knew that it was

1 operational.

2 Q. And is that the way they trained you at
3 the academy?

4 A. It was probably in more detail, and
5 things change over the years, so -- but I --

6 Q. And I know you -- I'm sorry. Go ahead.

7 A. No. Basically, that's it.

8 Q. I know you noted that when you were first
9 trained that they were in Crown Victorias. The
10 vehicle that you were in that night, do you recall
11 what type of vehicle it was?

12 A. It was a Chevy Tahoe.

13 Q. Does anything specifically stand out to
14 you in terms of differences between the software
15 that you were trained on and the software in the
16 Tahoe?

17 A. Just the microphone placement.

18 Q. And what's different about that?

19 A. In the Crown Victorias, the microphones
20 were next to each of the doors, like where the seat
21 belts attach to the top.

22 Q. Okay. And generally speaking, I know you
23 said on this night the camera seems operational.
24 If you get into a vehicle and the camera does not

1 appear to be operational, what's the process to
2 report that?

3 A. We notify our sergeant that it's not
4 operating.

5 Q. And by what means do you notify the
6 sergeant?

7 A. We send a PDT message, a computer
8 message.

9 Q. And I guess substantively, what does that
10 say? What does your PDT message say?

11 A. "The video works" or "camera works but
12 microphones" -- or however it would go.

13 Q. So just describing that issue?

14 A. "Video doesn't work properly" -- well,
15 when it doesn't work, you say, "Camera's not
16 working." And if it's not working, there would be
17 a ticket number generated. Usually, they would
18 leave it on a little piece of paper what ticket
19 number was that was pulled by a sergeant. Only a
20 sergeant can pull it, or at least sergeant or
21 above, and we would let them know the ticket number
22 if there was one; if there wasn't one, then he
23 would have to call in and get us one.

24 Q. Okay. And on that night, assuming since

1 the camera was working correctly, was there a help
2 desk ticket attached to any --

3 A. No, there was not. It was operational.

4 Q. And when you send the message for a
5 non-operational camera to the sergeant, how long
6 roughly does that process take for them to pull the
7 ticket?

8 A. I don't know. Hopefully by the end of
9 the tour.

10 Q. Okay. So pretty -- I'd say that's pretty
11 quickly, within a day?

12 A. It takes a while.

13 Q. Is that fair to say?

14 A. Hopefully within that night.

15 Q. Have you ever experienced issues where
16 the sergeants have taken longer than that period of
17 time to get a help desk ticket pulled?

18 A. Yes.

19 Q. Do you --

20 MS. RUSSELL: When you say "help desk ticket,"
21 you mean a ticket --

22 MR. VALDEZ: For the non-operational camera.

23 MS. RUSSELL: Just calling the help desk?

24 MR. VALDEZ: Correct.

1 MS. RUSSELL: Okay.

2 BY MR. VALDEZ:

3 Q. So it's just the sergeant contact, I
4 believe DoIT is what the process is. Do you recall
5 any specific instance where that happened?

6 A. No.

7 Q. No? Just in the past, it has occurred?

8 A. I remember the camera in that specific
9 car was working and not working. There were ticket
10 numbers generated. There was a month that went by
11 that nothing happened, and there was a ticket
12 number that was notified every time we would have
13 this, they're given the same number from -- it's
14 the same number from the night before.

15 When he logged in -- and we knew when he
16 logged in because it would get a bounce-back
17 message if he was not logged in -- we would send
18 him the ticket number and say, "Camera's not
19 working. Here's the ticket number." And we'd type
20 out each number.

21 Q. Got it.

22 Now, you were the passenger in that
23 vehicle, correct?

24 A. Yes.

1 Q. Are you generally the passenger in that
2 vehicle?

3 A. We rotate.

4 Q. So this is between yourself,
5 Officer Gaffney, and the third officer, Michael --

6 A. Walano.

7 Q. And can you spell that name for the
8 record, please?

9 A. W-A-L-A-N-O.

10 Q. And, Officer McElligott, what's your PC
11 number?

12 A. [REDACTED].

13 Q. Is it safe to say that as the driver of
14 the vehicle, you would be the one sending the PDT
15 message to the sergeant?

16 A. As the passenger, we usually do the
17 operating of a PDT, but it could go either way.

18 Q. And I know you said that that vehicle's
19 in-car video system had some issues in the past.
20 Do you recall any of those specific issues that you
21 had?

22 A. There were several different: They were
23 not logged in right; there would just be a bunch of
24 numbers on a black screen; there would be an

1 all-blue screen. Those are basically the ones that
2 usually would happen.

3 Q. When those issues happen, I'm assuming
4 you're not able to log into the system, correct?

5 A. Correct.

6 Q. And you said on that evening, October 20,
7 2014, that the microphones were underneath the PDT?

8 A. Yes.

9 Q. On the charging cradles?

10 A. Yes.

11 Q. Are they kept there pretty regularly? Is
12 that just where they're kept?

13 A. That's where we would usually keep them,
14 but there were times that they were beeping, and
15 maybe the previous watch or whoever used the car
16 before us got tired of the beeping and they threw
17 them in the glove box. So we would take them out
18 of the glove box, put them in the cradle, charge
19 them up. So mostly that's where they stayed with
20 us.

21 There used to be holders to attach to
22 our uniform, which they no longer provided to us.
23 We just -- and I remember in the beginning, we
24 would get a holder or a microphone, and then they

1 stopped handing them out.

2 Q. Do you recall approximately when that
3 practice was supplying the officers with the
4 microphone holder, when that stopped?

5 A. It was stopped for years before.

6 Q. Okay.

7 A. It probably was around for a year or two
8 before they no longer were available.

9 Q. It made it a little more convenient --

10 A. So there was a --

11 Q. I'm sorry. To hold the microphone, would
12 that occur?

13 A. Oh, yeah. In the beginning, it was
14 attach it to your uniform, and then when they
15 stopped handing out the carrier, then we kept them
16 on the charger, basically.

17 Q. And is there anything required of you
18 when the audio does not function correctly? Is
19 that considered part of the video system as a whole
20 where if the audio is not functioning you should
21 report that?

22 A. I would think so, yes. I don't recall
23 specific times that I've notified anybody about the
24 audio.

1 Q. Okay.

2 A. Or specific times that the audio did not
3 work. I don't recall those.

4 Q. But for the most part, it's a regular
5 practice to leave those microphones in the charging
6 cradle?

7 A. It became a regular practice.

8 Q. Okay. Can you recall when,
9 approximately, it became a regular practice just to
10 leave those there?

11 A. It was years prior to that date.

12 Q. Okay. Years.

13 So what I want to do now is show you a
14 what's called an In Car Video Retrieval Worksheet.
15 And what this is, in summary, is just the
16 technician that goes out to download video on the
17 scene. This one is dated 20 October at 2230 hours.

18 MR. VALDEZ: We'll enter this as Exhibit 9.

19 (Whereupon, McElligott Exhibit 9
20 was marked for identification.)

21 BY MR. VALDEZ:

22 Q. And yours, obviously, will be 815R 8489?

23 A. Yes.

24 Q. And if you scroll to the bottom where it

1 says "Notes of Work or Activities Performed,"
2 you'll see that there's a note there that says,
3 "Processing videos, extremely large video files."

4 I know it's a little hard to read with
5 the handwriting.

6 A. Okay.

7 Q. But according to this report, this
8 retrieval worksheet -- do you need any more time?

9 A. No.

10 Q. Essentially, the system's not engaged
11 because there's a very long video taking place.

12 Do you recall having a conversation --
13 and I know we've covered this a little bit about on
14 the scene, but with the gentleman that came to
15 download this video from your vehicle?

16 A. I remember him complaining that he -- he
17 had some trouble with it and made the statement of
18 "Officers are going to get jammed up over this,"
19 and we got defensive, or my partner did, and said
20 something, "Hey, we did it the way we're supposed
21 to." And then he shortly after apologized for --

22 Q. And by "he," do you mean your partner, or
23 this was the sergeant?

24 A. The sergeant.

1 Q. And when he said, "Officers are going to
2 get jammed up for this," do you know what he was
3 referencing in terms of the audio or the video?

4 A. Well, looking at it now, I was under the
5 impression that everything worked, because after he
6 retrieved our video, I heard him say, "Video and
7 audio is working." I missed the part where he said
8 that everything was jammed up, he couldn't get
9 anything. Somehow I don't recall hearing that
10 until long after, very long after I thought
11 everything was recorded.

12 Actually, I found out pretty much
13 through the media. It may have been this paper
14 that I'm looking at that was shown on the TV. And
15 I was not made aware of this clearly at least that
16 night.

17 Q. Okay. Do you know when you were aware of
18 this from media?

19 A. Probably when it was -- the video was
20 released, and then it was like every couple weeks,
21 couple months, something new came out through the
22 media.

23 Q. And, now, based on this note, the video
24 wasn't engaged due to processing?

1 MS. RUSSELL: That's not what the note says.

2 BY THE INTERVIEWEE:

3 A. It's processing video.

4 BY MR. VALDEZ:

5 Q. Processing video, but obviously --

6 MS. RUSSELL: Extremely -- what does it say?

7 "Extremely large video" --

8 BY THE INTERVIEWEE:

9 A. "Extremely large video file."

10 BY MS. ANSARI:

11 Q. So what we will do now is also show you
12 an e-mail, and we'll enter this as Exhibit 10.

13 (Whereupon, McElligott Exhibit 10
14 was marked for identification.)

15 BY MS. ANSARI:

16 Q. This is an e-mail subject line 20
17 October 2014 with RB number HY475653. This is an
18 e-mail sent from Lance Becvar on July the 17th,
19 2015, to Jonathan Lewin.

20 So if you could just take a minute to
21 review that, or as much as you need.

22 A. Okay.

23 Q. Reading that --

24 A. Oh, there's two. Hold on. I'm sorry.

1 Q. Actually, that bottom one is to a
2 different vehicle. The one that relates to yours
3 is just the second vehicle. So it's 8489 at the
4 top.

5 A. Oh, 84 -- okay. Okay.

6 Q. Do you recall creating any long videos at
7 the beginning of your tour, at least prior to this
8 October 20th incident with Laquan McDonald?

9 A. No. We started -- we were on the street
10 approximately between 9:30 and 10:00, and this
11 incident occurred prior to 10:00. So it was about
12 20 minutes maybe.

13 Q. Is this the first call that you're
14 dispatched to?

15 A. Yes.

16 Q. After roll?

17 A. Yes.

18 Q. Okay. Can you explain at all why the
19 system was not engaged? Would you be able to?

20 A. I can guess, but I don't -- just based
21 on when it uploads, I guess the longer the video,
22 the longer it takes to upload. And perhaps it
23 didn't upload all the way, so it wouldn't,
24 like -- it kind of delayed it.

1 Q. Is it possible that an officer from the
2 previous tour had a long video that was uploading,
3 or would it have been yourself or one of your
4 partners?

5 A. They would had to have been previous to
6 us, unless there's days and days worth of video on
7 there.

8 Q. So it's at least your impression that
9 this vehicle is used by other tours in addition to
10 your own, correct?

11 A. Yes.

12 Q. Okay. But you have no knowledge of
13 whether a video had started or anything of that
14 nature prior to you being on it?

15 A. No. Generally, if you can log in, it
16 works.

17 Q. And you logged in successfully that
18 night?

19 A. Yes.

20 Q. So you have no reason to believe there is
21 any issues?

22 A. Yes.

23 Q. And I know we went over this, but would
24 you be able to explain why no audio was captured on

1 the video that was recovered from R815 Robert?

2 A. No. I would like to know myself. It
3 would help a lot.

4 Q. But the microphones were not attached to
5 your person; were they?

6 A. They were not, but the window was open,
7 and it would have captured some pretty vital
8 information.

9 Q. Is there a microphone sync process that
10 you need to go through when entering the vehicle?

11 A. Yes, and now I learned that after this.

12 Q. Okay. On that evening, did you and
13 Officer Gaffney sync those microphones?

14 A. No, we did not.

15 Q. Is that possible that that's the reason
16 that no audio was captured?

17 MS. RUSSELL: Anything's possible.

18 BY MR. VALDEZ:

19 Q. Do you believe that is the reason that no
20 audio was captured?

21 A. I don't know.

22 Q. Were you surprised to hear that none of
23 the cars or none of the officers responding to the
24 scene, their dash videos, that they had no audio?

1 A. Yes.

2 Q. What was surprising to you about that?

3 A. We log in and assume -- not "assume,"
4 but expect for the equipment to work, and to know
5 that it doesn't and it could help you is very
6 aggravating.

7 Q. As of October the 20th, 2014, was there a
8 practice of Chicago police officers disabling the
9 audio component of those videos?

10 A. Not that I know of.

11 Q. For example, I know you said in some
12 instances you've gotten into the vehicle and you've
13 seen the microphones put in the glove box.

14 A. Okay.

15 Q. What reason would an officer have to put
16 a microphone in the glove box?

17 MS. RUSSELL: Objection. This has nothing to
18 do with the allegations against this officer or any
19 actions taken by this officer.

20 MS. ANSARI: He can answer the question.

21 MS. RUSSELL: If he can.

22 BY THE INTERVIEWEE:

23 A. My assumption is that if the microphones
24 were beeping, they wanted them to be quiet, so they

1 put them in the glove box.

2 BY MR. VALDEZ:

3 Q. So it's more of an annoyance issue
4 than --

5 A. That's my guess.

6 MR. VALDEZ: Okay.

7 FURTHER EXAMINATION

8 BY MS. ANSARI:

9 Q. Yeah, you said that you were surprised to
10 hear that none of the vehicles at the scene
11 captured audio, but earlier, you said it's kind of
12 a regular CPD practice years before to not connect
13 the audio to the person, correct?

14 A. As far as --

15 MS. RUSSELL: Go to the --

16 BY MS. ANSARI:

17 Q. If I'm mischaracterizing your
18 statement --

19 A. Where do they operate?

20 MS. RUSSELL: "Person" doesn't mean it has to
21 be on your person.

22 BY MS. ANSARI:

23 Q. So I guess I'm just trying to clarify, so
24 if I'm mischaracterizing what you said, please

1 correct me.

2 You just said you were surprised to hear
3 that none of the cars had audio, and then earlier
4 you said that it was a regular practice or it
5 became a regular practice, CPD practice, not to
6 attach the audio from -- to the person.

7 A. Right.

8 Q. So why would you be surprised there would
9 be no audio in the --

10 A. Because most of us were in our cars.

11 Q. Okay. So you were surprised --

12 A. So it should have captured something in
13 the car, if not just outside the car where I was
14 shouting orders to an offender to drop a knife.

15 Q. Okay. And you said your window, you and
16 Officer Gaffney's windows were open, both windows?

17 A. I don't know if his was. Mine was.

18 Q. Yours was. Okay.

19 When you're driving the vehicle, can you
20 see, like, what -- there's a screen for the in-car
21 video camera, correct?

22 A. Yes.

23 Q. And so as it's recording, can you see
24 what it's recording? So if you're looking at the

1 screen, you can see what's in front of you on the
2 screen?

3 A. The screen doesn't change when it starts
4 or stops recording. The only thing that's
5 different is there's a red light that blinks and
6 there's C1 or C2, which the camera's differently
7 positioned. Ours was attached to the ceiling; the
8 new cars we have, it's attached to the dashboard;
9 and I think on the old cars, it was attached to the
10 ceiling as well. So it's different.

11 Each car, if you could see it or you can
12 turn him up or down, I guess if it's up, you can
13 put it up so you don't necessarily see the camera
14 view all the time, but at --

15 Q. To --

16 A. It swivels. It swivels.

17 Q. Okay. So on the night of October 20th,
18 when you were driving, could you see what the
19 camera was recording in front of you?

20 A. You would have --

21 MS. RUSSELL: I think the question of can you
22 see what a camera is recording is what's -- can you
23 see what you believe the camera is reporting? Is
24 that the question? Because he can't tell what's

1 being recorded, obviously.

2 MS. ANSARI: No, that is --

3 MS. RUSSELL: Yeah.

4 BY MS. ANSARI:

5 Q. What I'm trying to get at is when you're
6 driving that night, when you were driving and you
7 were in the car and there's a screen, does the
8 screen show what's in front of you?

9 A. Yes.

10 Q. Okay. So did you at any point look at
11 the screen and see Laquan McDonald in the screen?

12 A. No.

13 Q. Okay. So you just saw him in person when
14 you were actually looking at him?

15 A. I saw him when I was outside of the car
16 for a brief second, and then I exited the vehicle.

17 Q. Okay. I just want to clarify.

18 You said the sergeant who got the video
19 from you was aggravated. And I'm -- please correct
20 me if I'm misquoting you, was aggravated because
21 the video was -- he was having issues getting the
22 video, correct?

23 A. Correct.

24 Q. He said, "Officers are going to get

1 jammed up for this." What did you take that to
2 mean?

3 A. That it was officer's fault that he
4 could not retrieve the video.

5 Q. So was he saying, "Officer, we're going
6 to get jammed up because" --

7 A. Not necessarily specifically us, but
8 whoever caused him to fumble with retrieving it,
9 okay, he made a blanket statement, and we took
10 offense to it.

11 Q. Okay.

12 A. Or my partner did more than myself, but
13 he responded; I didn't.

14 Q. Did Officer Gaffney take offense because
15 he thought that the sergeant was accusing him or,
16 like, not using the video properly?

17 A. Was referring to us as not using it
18 properly.

19 Q. Okay. Got it.

20 FURTHER EXAMINATION

21 By MR. VALDEZ:

22 Q. So similar to as we did with the other
23 allegations, I'll get into the remaining ones for
24 the in-car video. Did I take the allegations from

1 you already?

2 A. Yes.

3 Q. "It is alleged on or about October 20,
4 2014, you failed to ensure the in-car video system
5 for CPD vehicle 8489 was working properly at the
6 beginning of your tour of duty."

7 What is your response to that allegation?

8 A. I believed that the video was working
9 properly at the beginning of my tour. We logged in
10 properly.

11 Q. "It is alleged that on or about
12 October 20, 2014, you failed to immediately notify
13 a supervisor that the in-car video system for CPD
14 vehicle 8489 was inoperable or damaged."

15 What is your response to that allegation?

16 A. We did not fail to notify because we
17 believed that it was operating properly.

18 Q. "It is alleged that on or about
19 October 20, 2014, you failed to audibly record
20 events with CPD vehicle 8489's in-car video system
21 during your tour of duty."

22 What is your response to that allegation?

23 A. We did not fail to audibly record
24 because we believed the recordings were properly

1 functioning.

2 FURTHER EXAMINATION

3 BY MS. ANSARI:

4 Q. Officer McElligott, when was the first
5 time you saw the 813R dash cam video?

6 A. On the news.

7 Q. On the news? Okay.

8 So is there anything -- we're almost
9 done. Is there anything that you would like to
10 add, given the Notice of Allegations that we've
11 made against you? Is there anything that you would
12 like to add?

13 MS. RUSSELL: Are we done with the questioning?

14 MS. ANSARI: Yeah.

15 MS. RUSSELL: Can we take a quick break?

16 MS. ANSARI: Yeah. Let's go off the record.

17 It's 1:00 a.m.

18 (Whereupon, a break was taken.)

19 MS. ANSARI: We can go back on the record. It
20 is still 1:00 a.m.

21 BY MS. ANSARI:

22 Q. Is there anything you would like to add
23 today?

24 A. No. There is not.

1 MS. ANSARI: Great. We can go off the record
2 at 1:01 a.m.

3 (Whereupon, the interview concluded at
4 1:01 a.m.)

5 (Which were all proceedings in the
6 above-entitled interview this date.)

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1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF C O O K)

4

5 I, ANDREW ROBERT PITTS, C.S.R. No. 84-4575, a
6 Certified Shorthand Reporter within and for the
7 County of Cook and State of Illinois, do hereby
8 certify:

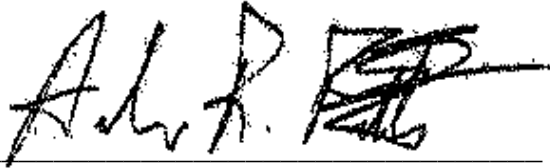
9 That previous to the commencement of the
10 examination of the Interviewee, the Interviewee was
11 duly sworn to testify the whole truth concerning
12 the matters herein;

13 That the foregoing interview transcript
14 was reported stenographically by me, was thereafter
15 reduced to typewriting under my personal direction
16 and constitutes a true record of the testimony
17 given and the proceeding had;

18 That the said interview was taken before
19 me at the time and place specified;

20 That I am not a relative or employee or
21 attorney or counsel, nor a relative or employee of
22 such attorney or counsel for any of the parties
23 hereto, nor interested directly or indirectly in
24 the outcome of this action.

1 IN WITNESS WHEREOF, I do hereunto set my
2 hand and affix my seal of office at Chicago,
3 Illinois this 11th day of May, 2016.

4 
5
6

7 Certified Shorthand Reporter

8 Cook County, Illinois

9 My commission expires May 31, 2017

10
11 C.S.R. Certificate No. 84-4575.
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OLIVERIA MICHAEL J. JONES
10 20 JONES MICHAEL

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84 131:5	Adams 5:2	112:15 113:9	69:18,20 77:19
845 14:7 98:14	add 141:10,12,22	140:7,15,22	78:1,4 83:14,16,17
99:2,3	addition 18:21	allegations 11:6	85:12 87:8,13,14
845R 15:7	20:2,14 132:9	17:23 18:1,24	90:15,18 95:3,4,9
8489 114:2 127:22	additional 17:21	19:15 20:20 21:11,	96:22 97:2,4,11,
131:3 140:5,14	87:21	17,21 22:7,10,15,	13,21 98:4,8,16,17
8489's 140:20	address 18:23	16,19,23 108:24	99:7,9,10 100:11,
8th 23:8,11 32:21	108:9	109:3 113:15	14,15,19 101:10,
41:1,5 116:7	administered 6:7	134:18 139:23,24	12,15,16 102:1,10,
	administrative	141:10	13,23 103:2,7,14,
9	9:10,17 20:10,13	alleged 109:13	17 104:1 105:8
	advance 97:19,22	110:7,15,23 111:9,	107:7,20 108:3
9 5:1 127:18,19	advice 5:24 17:20	16,21 112:9,19	109:12 110:1,4,6
9:30 131:10	advised 7:11,18	113:4 140:3,11,18	113:13 130:10,15
	17:12	allowed 9:11	134:20 135:8,16,
A	advisement 6:12	alluding 113:15	22 138:2,4 141:3,
	9:15,21,22 10:8	aloud 9:10	14,16,19,21 142:1
a.m. 110:2,5	Affairs 16:15	ambulance 34:20,	answering 6:24
141:17,20 142:2,4	affidavit 20:19	22	answers 18:20
above-entitled	21:3	Amendment	anticipating
142:6	affidavits 20:24	24:17	19:16
absent 16:9	affirming 6:1	Amicus 5:2	Anything's
academy 118:23	afternoon 35:12	and/or 18:12	133:17
120:3	afternoons	118:3	apologize 42:18
accuracy 4:5	103:21 104:19	Andrew 5:5	48:24 67:7 69:10
accurate 22:13	aggravated 78:9,	annoyance 135:3	98:5 111:20
89:19,22,23 90:1	21 138:19,20	Ansari 4:1,17,21	apologized 58:19
91:1,2,10,11 94:7,	aggravating	5:4,15 6:2,10,16	128:21
8,10,13,15 96:8,9,	134:6	9:19 10:13,22	appears 108:21
10,20 108:2,19,22	agree 19:2	11:9,20 12:8 13:1,	applicable 17:10
accusing 139:15	agreeing 75:3	13 14:1 15:1,9,14,	approach 49:7
acknowledge	agreement 17:11	20,21,24 16:22	approached
6:19 9:9	20:12	19:5,7,11,24 20:4,	55:24
action 8:7 76:13	ahead 73:2 86:11	8 21:2,9,15,22	approaching
actions 33:21	92:20 95:17 120:6	22:3,14,24 23:3	95:20
34:5 73:24 76:21	aid 4:4	24:2,5,22 25:4,12,	approximate
111:7 112:17	all-blue 125:1	15 26:16 28:20	30:13 108:9
134:19	allegation 109:4,	29:19 30:9,23	approximately
Activities 128:1	18 110:20 111:5	31:19,23 32:10,15	24:23 25:7 26:11
actual 25:11 88:12		33:15 34:11,17	54:15 63:4 116:12
119:16		36:20 37:16,20	126:2 127:9
		38:6,12,18 39:3,9,	131:10
		15,21 40:5 41:21,	April 10:19 11:3,6,
		22 49:23 50:1	14,17 12:1,12
		61:21 62:11,16,19,	13:5,17 14:17 97:9
		21 67:23 68:3	

arbitrator 18:2	8,9	141:19	83:6 85:18 128:13
area 34:3 45:5 56:4 61:15,18 62:12,23 63:1,8,19 64:19 65:16 66:12 67:13 68:19 69:3, 17,18,23,24 70:4, 15,20 72:21 79:20 80:7 83:7 84:17 85:13 86:6,13 87:4 92:2	attack 75:20 attacked 75:23 attempting 16:6 attempts 82:17 attention 106:23 attorney 5:11 14:20 27:3,13 79:24 attorneys 80:6 attributed 107:10, 14 108:5 audibly 140:19,23 audio 4:12,15,17, 18,19,22 15:6 115:8 118:1,3 126:18,20,24 127:2 129:3,7 132:24 133:16,20, 24 134:9 135:11, 13 136:3,6,9 audio-record 4:6 audio-recorded 29:14 AUSA 27:8 Authority 12:5 27:10 aware 48:14,17 72:22 75:9 76:5 78:11,23 79:1 113:20,22 115:12, 15 129:15,17	back-pedaling 74:1,6,7 75:1 background 65:6 bad 65:12 102:5 ballpark 49:8 bar 97:21,22 bargaining 17:11 20:12 based 9:15 18:19, 22 28:15 109:20 129:23 131:20 basic 28:3,4 30:21 basically 26:3,22 34:19 48:10 68:14 75:20 76:13,19 81:7 88:2 120:7 125:1 126:16 basis 7:15 8:7 9:5, 17 battery 75:6,16 76:7 77:15 78:9, 13,17,21 80:23 beat 15:7 32:23 33:1 97:7 98:11 Becerra 35:16 39:22 48:4 65:22 68:10 Becvar 130:18 beeping 125:14, 16 134:24 began 72:7 beginning 26:3 72:10 117:13 125:23 126:13 131:7 140:6,9 believed 140:8, 17,24 belts 120:21 big 68:24 bit 44:23 77:12	black 124:24 blanket 139:9 blinks 137:5 block 100:1 blocked 92:23 107:1 blocking 106:17 blue 95:23 106:24 Bob 15:15,18 bottom 9:21 88:19 100:9 127:24 131:1 bounce-back 123:16 box 125:17,18 134:13,16 135:1 boxes 76:24 break 62:14,18 96:24 109:24 110:3 141:15,18 breath 58:7,9 bright 95:17,20 96:2 104:12 bring 74:11 broken 119:13 build 106:7 building 100:9 buildings 53:10 bullet 93:14 bullet-point 94:19 bunch 76:24 124:23 Bureau 16:15 Burger 89:6 90:22 99:4 105:21
arguments 20:14 arrive 34:21 67:17 arrived 41:10,13, 14,17 42:14 43:19, 20 44:7 55:17 68:7 Arturo 35:16 assert 18:18 24:16 assign 86:1 assigned 32:23 33:1 48:7 113:21, 23 115:20,21 assignment 23:7, 9 32:21 assist 48:9 Assistant 27:2,12 assisted 44:11,17 assume 134:3 Assumes 37:19 assuming 121:24 125:3 assumption 134:23 assurances 17:7 ate 64:5 65:17 67:14 attach 118:1 120:21 125:21 126:14 136:6 attached 114:8 117:20 118:11 122:2 133:4 137:7,	back 13:20 22:3 34:11 44:24 50:11 52:9,10,17 53:3 54:2 62:19 64:9 74:20 83:6 85:17 93:22 98:6 101:10 103:15 105:1 107:8,11 109:6 110:4 115:1,11		

C	125:15 127:14 136:13 137:11 138:7,15	charging 118:8 125:9 127:5	complainant 22:18,22
C1 137:6	carrier 126:15	check 115:1	complaining 128:16
C2 137:6	carry 19:19	checked 52:11 77:1	complaint 21:3,6, 7
call 15:15,16 26:4, 10 52:11 53:5 58:2 85:22,24 86:4,6,7 87:2 88:8 105:22 107:3 118:4 121:23 131:13	cars 42:12 56:8 92:2 95:15 115:17 133:23 136:3,10 137:8,9	Chevy 115:18 120:12	complete 75:5
called 6:6 34:19, 22 127:14	case 12:19 84:15 87:15,16,23 88:3, 18 107:8	Chicago 5:19 7:14,21 8:1 9:4 16:14,19 17:22 53:19 134:8	completely 6:24 92:24
calling 122:23	caught 53:18	chiefs 42:1	component 134:9
calls 77:17 85:21	caused 139:8	choosing 8:19 10:6	computer 14:15 67:2 71:7 115:2,3 121:7
cam 141:5	CD 12:13,15 13:5, 17	City 5:19 16:18 17:22	computers 68:15
camera 14:11 53:14,20 58:12 73:6 113:14 114:8, 10 115:3 119:13, 23 120:23,24 121:11 122:1,5,22 123:8 136:21 137:13,19,22,23	ceiling 137:7,10 <small>DO NOT REPRODUCE THIS CASE OR ANY PART THEREOF WITHOUT THE WRITTEN PERMISSION OF THE COURT</small>	civilian 47:9 62:8	concern 104:9 106:18
camera's 121:15 123:18 137:6	cell 23:24 24:6 67:11	civilians 47:2	concluded 142:3
cameras 52:11 53:18 119:8	central 34:3 45:5 62:23 63:1,8,19 64:19 65:16 66:12 68:21 79:21 84:17	clarify 41:16 135:23 138:17	conclusions 73:20
captain 43:24 44:3,9 45:13 55:12,21 61:12	certified 4:3	classroom 119:7	conducted 5:18
captured 132:24 133:7,16,20 135:11 136:12	chain 23:17	clear 51:17 77:12	conducting 17:24
captures 115:7	change 45:15 55:10,21 61:13 106:9 120:5 137:3	cleared 56:4 65:4	conference 15:16 68:21
car 32:23 35:12 44:19,20 45:10 47:23 48:1,11 49:13,20 50:3,20, 22 52:9,17 53:3 54:7,8 56:21 63:9 65:8 75:18,20 78:7 92:20 98:10,24 101:5 103:18,19 114:3,14 123:9	changed 63:10,12 110:18 112:22 115:16	click 101:21	confidential 4:8
	changing 44:12	close 82:7	confirm 10:16
	Chapter 5:18	Code 5:19	confrontation 106:22 107:3
	characterization 22:20	coercion 10:4	congested 92:2
	characterized 107:17	collective 17:11 20:12	connect 135:12
	charge 125:18	command 16:9 23:17	connected 108:14
	charger 118:7 126:16	commander 15:15,18,20,23 16:10,13,21,22,24 17:18 23:19 44:4 45:18 46:22 61:8 69:4,15	considered 56:3, 5 75:18 77:5,20,21 126:19
	charges 17:9	commanders 45:12	consistent 82:19 83:2
		communications 31:10,14	constitute 7:19 9:4
			constitutes 7:13

constitutional 17:6	118:17 122:24 123:23 125:4,5 132:10 135:13 136:1,21 138:19, 22,23	crossed 56:9	days 30:4 132:6
consult 8:19		crowd 47:4 62:5 86:1	December 30:15
contact 123:3		Crown 115:18 120:9,19	decided 18:2
contained 15:8 22:12	correcting 83:16	CSR 93:7	defensive 128:19
continued 111:19,24 113:7	correctly 122:1 126:18	cubby-holes 68:18	delayed 8:22 131:24
continues 15:4	correspondence 22:6	curb 44:21 50:4 54:12 105:24	deliberately 9:3
continuing 112:5 113:11	counsel 5:24 8:18,21 10:2,6 16:2 17:20 87:12	current 23:7	Dennis 44:3,9 45:14
continuous 96:4 111:12,15	counter 76:21	cursing 58:12	department 7:14 8:2 16:15 117:13
contract 18:14 20:19	couple 32:17 35:18,24 53:1 55:8,22 57:11 69:6 71:16 84:7 88:24 89:13 92:11 93:24 98:2 101:10 103:15 129:20,21	cussing 58:7,8	Department's 7:21
contributing 104:13,15		custom 4:5	depository 53:15, 19
control 47:4 62:5 86:1	court 4:3,6,9 5:2, 4,22 6:3	cut 92:24	describe 25:22,24 56:22 60:10,13 99:16 101:13
controlling 47:4	court-reported 16:1	damage 114:24 117:15	describing 76:20 91:13 121:13
convenient 126:9	covered 128:13	damaged 119:13 140:14	description 81:15
conversation 30:16 46:7,10,11 53:12 59:5 72:12 74:13 81:1 128:12	coworker 37:15 40:14	Dan 79:24 80:5,19 81:4	desk 122:2,17,20, 23
conversations 58:4 69:14,21 70:1,5 79:15 81:22 82:12,16	Coworkers 38:11 39:2,14	Daphne 35:10 65:20	detail 26:6 90:2,5 91:13 120:4
cooperate 6:23	CPD 10:18 12:19 41:23 87:20 135:12 136:5 140:5,13,20	dash 73:6 113:14 133:24 141:5	details 26:23 92:3 93:19,20
copy 18:11 22:8	cradle 125:18 127:6	dashboard 137:8	detective 12:21 13:9 27:10,21 46:20 47:20 48:12, 15,21 49:1,11 51:1,11 57:17 88:10 109:15 110:9,17 111:1,11, 18,23
corner 90:9 105:15	cradles 118:8 125:9	date 4:24 23:12 24:14 30:13 36:9 97:17 116:23 127:11 142:6	detectives 42:2, 24 43:21,24 45:3, 7,12 46:5,9,15,18 47:17 48:2,5 49:3, 7,15 50:7,17 51:3, 15,20,22,23 52:16, 21,23 53:2,17 54:2 56:20 57:1,6 59:11 60:16 63:22 64:1
correct 14:8,11 22:17 25:12 27:14, 15 33:19 36:3 37:2 45:16 57:9 60:17 61:15 73:13 74:11 76:7 77:5,6 79:18 80:3 86:23 91:20 99:5 100:8 105:17 106:12 108:22 114:3 115:8	creating 131:6	dated 10:19 11:6, 17 12:19 13:8 127:17	
	crime 35:5 47:6 56:3,6,12	David 44:4 48:16 111:23	
	criminal 8:13 17:9	day 32:23 33:3,11 37:10 42:13 94:22 117:23 122:11	
	cross 10:5		

70:12,17,18 71:2, 10 72:14 73:18 74:4,11,14,18,22 76:3 77:3,8 79:9 88:13,14 89:9 91:3,8 94:3,23 96:6 detectives' 52:9 73:12 differ 27:20,23 115:4 differed 28:1 difference 87:23 differences 28:6, 17 115:19 120:14 differently 137:6 direct 14:23 15:4 16:16 17:1,17 47:9 directing 47:13 62:8 direction 105:17, 18 110:18 112:23 directly 104:17 disabling 134:8 discharge 7:15 8:8 9:6 disciplinary 8:7 discontinued 4:13,20,23 discussed 41:11 109:22 discussion 22:1 34:9 dispatch 85:21 dispatched 131:14 district 23:8,11 32:21 41:1,6 85:3 116:7 document 9:11 10:18,24 11:2,5, 11,13,16,22 12:9,	11,15 13:2,4,14,16 109:10 documents 13:22 15:8 28:12 29:8 48:14 87:11 109:7 Doit 123:4 Donuts 14:11 70:22 71:6 73:4,12 79:10 doors 120:20 Dora 35:19 40:11 65:22 download 57:12 58:11 127:16 128:15 downloaded 55:20 57:16 58:17 downloading 55:4 drafted 22:11 draw 65:12 drive 56:21 63:17 driver 33:10 124:13 driving 115:1 136:19 137:18 138:6 drop 54:2,5 136:14 dropped 56:23 57:6 drove 53:6,17 63:9,10,13,14 95:18 due 129:24 Dunkin' 14:10 70:22 71:6 73:4,12 79:10 duress 17:15 duties 114:13 duty 6:22 23:15 117:13 140:6,21	DVD 97:10 Dyke 32:5 35:9 37:12 42:20 43:3, 14 45:23 48:4 59:17 60:10 65:20 68:9 71:1,3,14 72:13 73:19 74:14 78:14,16,19 79:10, 12 80:21 103:9 111:2,19,24 112:13 113:7,11 <hr/> E <hr/> e-mail 31:11,15 130:12,16,18 earlier 64:17 135:11 136:3 early 30:15 easier 44:24 eastbound 89:5 90:22 employment 20:11 empty 86:21 end 26:4,22 30:15 72:11 94:22 106:7 122:8 engaged 59:4 128:10 129:24 131:19 engaging 58:13 ensure 82:17 117:19 140:4 enter 114:14 116:20 117:15 127:18 130:12 entered 32:12 114:22 118:10 119:10 entering 115:10 118:13 133:10 entitled 10:18 11:5,16 17:6 20:17	equipment 134:4 Escalante 21:4, 10,21 22:6,17 essentially 15:2 56:17 89:17 92:13, 17 106:17 128:10 evening 16:18 26:24 29:10 51:21 125:6 133:12 events 140:20 eventually 113:15 evidence 8:6 32:12 53:21 54:15, 21 57:5,7 64:23 65:2,7 66:24 eviscerate 20:15 exact 22:14 EXAMINATION 6:9 32:18 33:14 62:1 85:15 87:7 105:11 107:6 113:18 135:7 139:20 141:2 examined 6:7 excerpt 12:18 excuse 105:18 115:10 exempts 42:8 Exhibit 10:10,11, 17,20 11:5,7,16,18 12:3,6,18,22 13:7, 11 87:13,15 88:7, 17 116:21 117:1 127:18,19 130:12, 13 exhibits 10:15,17 13:20 14:4 27:4 87:10 109:6 existed 115:15 exit 103:9 exited 138:16 expect 134:4
--	--	--	--

expecting 92:1	fell 111:20 112:1 113:8,12	77:4,9 78:6	gave 48:10 50:6, 12,16,24 52:10,14, 15 56:19 67:22 68:1,5 80:9 81:13 83:18 89:11
experienced 122:15	file 75:15 97:14,15 130:9	forward 17:2 20:15 21:15	general 4:11 5:9 6:23 10:1 13:7 15:21 16:4,18 17:8 18:6,10,14 20:12, 23 21:7 22:11 88:7 89:2 97:9
explain 76:11 95:1 114:6 131:18 132:24	filed 18:5	found 129:12	General's 16:12 17:23
explained 78:3	files 15:7 128:3	Franko 23:21 42:5,10,14,16,17 43:3,15,19 46:4,23 51:8,10,14 59:16 61:7 66:4,5,7,8 69:1,22 76:3 77:3, 8 79:7	generally 87:19 120:22 124:1 132:15
explaining 72:13	fill 60:6 76:1,6,14, 17 77:4,14,15 78:6,23 79:5,8 80:22	front 92:21 98:24 104:7,8 117:4 119:21 137:1,19 138:8	generated 121:17 123:10
extent 18:17	filled 6:13 84:1	Fraternal 18:4	gentleman 128:14
extra 100:4	filling 76:9 77:8 78:12 79:3	fruits 8:12	Gerald 23:22
extremely 96:2 128:3 130:6,7,9	fine 19:21 62:15 101:15	function 126:18	giant 68:14
<hr/> F <hr/>	fingerprints 54:23 55:1,67:1,16 80:9 83:9 86:23,24	functioning 126:20 141:1	gist 46:14
faces 52:19	fired 94:2 106:12 109:17,20 110:11, 14	<hr/> G <hr/>	give 48:17 50:10, 11 67:22 81:6 89:15
facing 95:13 103:19 106:11,13	flat 44:12	G-a-f-f 33:8	giving 15:4 16:16 68:8 80:8 84:10
fact 17:22 18:23 27:17 28:13	floor 63:22 64:3 67:12 68:12	G-a-f-f-n-e-y 33:9	glove 125:17,18 134:13,16 135:1
factor 104:13,15	focus 34:1	Gaffney 31:11 33:6 35:11 36:3, 15,16 42:22 51:4 53:3 63:15 68:11 71:17 76:6 77:13, 23 78:5,20 80:22 82:13 84:20 107:10 108:6 119:12 124:5 133:13 139:14	good 16:21 62:13 105:13
fail 140:16,23	focused 73:23	Gaffney's 136:16	govern 115:13
failed 110:17 111:1,24 112:12, 22 113:7 140:4,12, 19	Fontaine 35:20 40:11 65:22 68:10	game 54:19	GPR 88:9
fair 22:13,20 122:13	food 53:15,19 65:17	Garrity 17:19 20:16	Grand 18:10,11, 15,18 24:10,17,18, 24 25:8,17 26:1 27:2,4,19 28:7,14, 17 29:1,5,17,21 30:2,10 31:1,2,3,5, 12,20,22 32:2,7,16
fall 103:4	footage 53:10 97:16 98:1 119:21		granted 17:19
false 7:22,24 9:2 109:14 110:8,13 111:10,14,17	FOP 60:19,22 79:24 80:1,2,3,5, 14,18,20 81:1,17, 19		great 74:3 142:1
familiar 116:15,17	Ford 115:17		
fashion 6:1	forget 35:12		
fault 139:3	form 6:12 11:17 12:14		
FBI 30:1,5,11,17 32:11	forms 13:21 60:6		
February 116:23			
federal 18:13 24:10,18 28:14,18 29:1,24 30:2 31:4			

green 91:24	55:3,9 56:1 57:1	holders 125:21	118:16 124:19
grievance 18:5	60:1 62:23 64:4	holding 26:11	136:20 139:24
ground 96:16	67:15 72:13,18	67:11,13	140:4,13,20
103:5 111:20	74:16 75:10 82:13	home 14:15 85:4,6	inaccurate 9:2
112:2 113:8,12	89:12 92:11 94:5	hood 48:11 49:13,	incident 25:22
guard 65:9	95:5,7 102:16,17	20 50:2 56:20	26:1 53:19 75:7
guarding 61:13	105:14 110:21	hour 25:14 49:9	131:8,11
guess 44:17 47:6	113:3 123:5,11	54:16,18 55:19	incidents 81:16
72:3 84:16 87:22	happening 112:8	57:5,7 64:20,21	included 14:6,10
88:5 93:6 94:24	hard 49:8 58:24	hours 20:3,4	90:5 91:14 94:16
121:9 131:20,21	128:4	23:14,15,16 55:8,	includes 6:24
135:5,23 137:12	He'll 95:8	22 57:11 61:12,19,	including 4:10 8:8
gunfire 96:4	head 104:24	20 63:1 84:7	53:19
111:12	heading 106:18	127:17	incomplete 9:3
gunshots 92:17	heads 89:15	HX475653 12:20	incorrect 107:16
94:2 104:10	hear 15:22 43:2,12	13:9	108:8
109:16,17 110:10,	60:10,13 74:15	HY475653 130:17	incorrectly
11 111:15	104:8 111:15		107:17
guy 44:17	133:22 135:10	I	independent 4:2
guys 46:13 60:6	136:2		12:4 27:9 48:13
64:9 68:13,22	heard 74:10,13	IAD 11:2,13,24	independently
73:22 83:8,19	92:17,21 94:1	12:11 13:4,16	66:3,9
86:19	95:14 106:24	15:15	indicating 97:17
	109:16,19 110:10	idea 48:23 94:23	101:6
	129:6	identification	individuals 5:6,15
H	hearing 92:22	10:12,21 11:8,19	information 4:2
half 49:9 55:19	129:9	12:7,23 13:12	133:8
hand 5:22 6:12	held 118:22	117:2 127:20	informed 17:6
34:16	helped 45:15	130:14	initial 64:12
handing 126:1,15	55:21 61:12	identified 53:18	initially 106:12
hands-on 44:16	helpful 49:10	identify 5:6 53:13	ink 67:2,3
handwriting	helping 44:20	immediately	inoperable
128:5	80:20	33:21,23 34:5,14	140:14
hanging 69:7 70:6	Herbert 79:24	62:3 110:22	inquiries 19:20
happen 55:7 60:5	80:6,19 81:4	140:12	inside 75:22 78:7
81:9,24 107:16	Hey 128:20	immunity 24:24	inspect 117:14
125:2,3	hit 93:14	25:5	119:16
happened 26:13	hitting 75:13	important 93:19	inspection
27:13 29:9 30:22	hold 21:14 126:11	impression 129:5	114:23 119:11
34:2,3,7,18 42:2	130:24	132:8	
43:9 44:20 46:16,	holder 125:24	in-car 14:7 97:6	
18,19 51:21,24	126:4	114:4,7 115:2	
52:4 53:7,16,20		116:4,22 117:14	

Inspector 4:11 5:9 6:23 10:1 15:21 16:4,12,18 17:8,23 18:6,10,14 20:23 21:7 22:11 97:8	48:2,6	78:14,19 80:18	12 66:22,23 67:17, 21 68:8,11,15,19, 21,22 70:7,23 71:5,7 72:7,16,17 74:5,15,20 76:20 77:11 81:5,6,11, 13,20 87:21 89:11 90:19 93:10,15 100:1 101:2,14 116:14 131:24 135:11
instance 123:5	interviews 28:18 68:8 84:11,14	Jennifer 5:10 16:2 96:23	King 89:6 90:23 99:4 105:21
instances 134:12	introduced 27:4	Jersey 17:19	Klimas 15:15,18, 19,20,23 16:10,13, 14,21,23,24 17:18
instant 72:7	investigation 5:18 6:22 17:24 18:4,5 20:10 42:4	job 17:12,16 48:7 86:2	knew 79:3 119:24 123:15
interactions 82:14	investigator 5:8,9 6:14 10:8 13:23 16:3 112:11,21 113:6,16	jobs 85:18,19,20	knife 34:16 78:9, 21 136:14
interfere 81:2	investigators 9:24 18:13 30:1	Joe 34:15 35:9 65:20 70:24 72:6 74:1,5,7 78:19	knowledge 132:12
Internal 16:15	invoking 17:18	John 21:4,21 22:6	Koch 23:22
interrogation 18:7	involved 64:16 73:16 76:20 82:11	Jonathan 130:19	<hr/>
interrupted 67:7	IPRA 27:24 28:7 17 29:11,15,22 67:17,18 68:2,5 79:17 81:2,18 82:15,18,24 83:1, 5,18,22 84:3,5,12 112:11,21 113:6	Joseph 5:13,20 6:5 16:1,16 71:3	L
interview 4:4,7 5:20 6:21 8:6,12, 19,22 10:18 12:4 13:10 14:3,17,21 15:5 16:1,6 18:1 20:5 48:10 67:10, 19 79:20,23 80:10 81:2,24 82:15 109:15 110:9 111:11,18,23 112:11,21 113:6 142:3,6	issue 22:5 121:13 135:3	July 130:18	<hr/>
interviewed 52:20 79:17	issues 18:3 122:15 124:19,20 125:3 132:21 138:21	June 24:15	Lance 130:18
Interviewee 5:13, 24 6:4,6 16:20 17:4 24:3,20 25:2, 10,13 26:9 28:10 29:18 30:7,19 34:13 36:18 37:14 38:4,10,16 39:1,7, 13,19 40:1 41:18 68:1 69:19 78:2 85:10 87:12 102:8, 11,20 103:3 104:23 105:5 107:21 108:1 109:11 130:2,8 134:22	J	Jury 18:10,11,15, 18 24:10,18,24 25:8,17 26:1 27:2, 4,19 28:8,14,18 29:1,5,17,21 30:2, 10 31:1,2,3,5,12, 20,22 32:2,7,16	lanes 50:5 54:12
interviewing	J-e-n-n-i-f-e-r 5:11	K	laptop 97:14
	J-o-s-e-p-h 5:14	K-i-l-m-a-s 16:14	Laquan 16:7 24:11 25:19 31:1, 7,15,24 32:6 33:18 34:16 35:8 41:8 53:23 54:1 62:24 72:3 78:8 82:14 103:12 104:19 106:1 113:3 114:15 131:8 138:11
	Jackson 119:2	K-o-c-h 23:22	large 128:3 130:7, 9
	jammed 58:15 128:18 129:2,8 139:1,6	kick 34:16	lawyer 80:18
	Janet 35:9 65:21	Kildare 26:12 108:12	lay 33:24
	January 30:14,15	Killen 112:11,21 113:6	lead 113:16
	Jason 35:9 65:20 71:1,3 72:6 74:7	kind 10:4 19:11 23:18 26:18 34:1,3 35:4 42:2,11 44:15,16 45:2,4,5 46:6,12,13 48:5 50:11 51:8,10 52:10 53:7 54:19 55:24 56:15,21 58:2,6,12,21 60:1, 3 62:5 64:10 65:9,	

learned 133:11	17 124:23 132:17 140:9	56:16 65:9 73:19 77:12 82:17 83:1, 15 84:13 89:8,18 96:18 105:13 111:6,14 112:6,16 113:1,10 119:17	20 112:1,13,22 113:3,8 114:16 131:8 138:11
leave 47:10,14 84:1,6,8,17,19 121:18 127:5,10	long 8:22 25:7 36:5,10 37:17,22 38:19 40:21 41:5 43:4,7,10 49:6 52:24 54:14 55:6 61:17 67:18 68:2,5 80:2 84:4 116:3 119:22 122:5 128:11 129:10 131:6 132:2	making 7:22,24 17:21,23 19:3 56:8 89:21	Mcdonald's 34:16
LED 96:1		manner 44:17	Mcelligott 4:12, 14,22 5:13,20,21 6:2,5,11 9:20 10:11,14,19,20,23 11:7,10,18,21 12:6,22 13:10,11 14:2 15:10 16:2,5, 11,16 23:4,23 24:9 32:20 62:22 89:6 90:23 91:6,18 92:15,16 94:1 96:16 97:9,24 98:9,18 113:20 117:1 124:10 127:19 130:13 141:4
left 34:6 45:4 64:5 65:17 84:2,22 101:2	longer 122:16 125:22 126:8 131:21,22	March 12:19,21 27:10,21 48:16 109:15 110:9,17 111:1,11,18,23	Mcnaughton 44:5 45:19 46:22 61:8 69:4,15
legal 8:18,21 10:2, 6	looked 48:21,22 49:4 53:14 83:11 106:1	March's 13:9	means 121:5
legally 20:17	lose 17:12,16	mark 10:9,14	media 97:14,21,22 129:13,18,22
Leticia 35:13 40:7	lost 102:2	marked 6:12 10:12,21 11:8,19 12:7,23 13:12 117:2 127:20 130:14	median 101:2
letter 21:3,6,7,10, 18,20 22:8,12,16	lot 47:2 59:21 64:22,24 84:23 89:6 90:22 99:5,17 105:17,19 133:3	Marking 10:17 11:5,16 12:3,18 13:7	member 10:19 117:13
levied 19:15	luck 65:12	Mars 95:16,22 101:7	member's 117:20
Lewin 130:19	lying 96:16	material 110:16, 24 111:6,22 112:7, 10,16,20 113:1,5, 10	members 41:24
lieu 21:3	M	materials 14:3,6, 18	mentioned 59:17 74:5
lieutenant 23:19, 21	M-c-e-l-l-i-g-o-t-t 5:14	matter 4:1	message 121:7,8, 10 122:4 123:17 124:15
light 90:11 91:17, 23,24 92:20 95:14 99:21,22 100:2,4, 21 104:9 106:8,11, 17 137:5	made 8:5,11 10:3, 4 15:17 17:14,16 18:12 27:17 65:6 93:13 95:21 109:14 110:8,16, 24 111:10,17,22 112:10,20 113:5 126:9 128:17 129:15 139:9 141:11	Mcdonald 16:7 24:11 25:20 31:1, 8,15,24 32:6 33:18 35:8 41:8 53:23 54:1 62:24 72:3 75:11 78:9 79:18 82:15,20 89:5,7 90:21,23 91:7,20 92:16 96:16 100:24 101:1,17 102:3,24 103:12, 20 104:20 106:21 110:17 111:2,19,	Michael 124:5
lights 95:16,22,23 101:7 104:12,16 106:24	main 68:12 73:16 87:3,4 118:24		microphone 120:17 125:24 126:4,11 133:9 134:16
lines 56:9 58:14 59:6	make 19:2 20:23		
lingering 51:11			
listed 22:15,16 78:20 109:3			
listened 29:11,14, 22			
live 119:4			
located 5:2 63:19 68:13			
log 114:22 115:1,2 119:19 125:4 132:15 134:3			
logged 123:15,16,			

microphones 118:4,12 120:19 121:12 125:7 127:5 133:4,13 134:13,23	mumbling 58:7,8 Municipal 5:19 9:4	note-taking 94:21 noted 19:19 21:11 120:8	obligation 7:6 obtain 8:21 117:18
middle 90:12 91:6, 19,22 101:1 103:6	<hr/> N <hr/>	notes 13:9 48:11 49:12,16,20 50:2 51:12 88:15 94:21 95:1 128:1	obtained 20:21,22 21:1
midnights 40:12	named 48:3	notice 14:16 16:5 104:2 109:3,9 119:12 141:10	occur 126:12
Mike 37:8	names 5:7 35:11, 12 45:9 47:16 48:18	Notification 10:18 11:6 21:11,17 22:15	occurred 34:15 47:3,5 63:2 81:20 123:7 131:11
mind 92:11	narrowly 18:23 19:3,14	notified 123:12 126:23	October 12:4 13:8 23:10,18 24:7 29:10 31:17,22 32:20 33:17 37:12 38:8 52:1 75:7 89:9 109:14 110:8, 16,24 111:10,17, 22 112:10,20 113:5,22 114:19 115:12,22 116:3 117:22 119:10 125:6 127:17 130:17 131:8 134:7 137:17 140:3,12,19
Mine 136:17	nature 30:16 132:14	notify 121:3,5 140:12,16	offender 26:11 136:14
minute 117:6 130:20	necessarily 22:12 89:20 137:13 139:7	number 10:15 12:20 13:8 15:7 23:5,24 24:6 113:22 114:1 121:17,19,21 123:12,13,14,18, 19,20 124:11 130:17	offense 139:10,14
minutes 43:5,6,8, 11 49:8 53:1 97:16 131:12	needed 53:22 64:23 65:8 84:9,15	numbers 123:10 124:24	office 4:10 5:9 6:23 9:24 15:21 16:4,11,18 17:8,23 22:11 68:14 97:8
mischaracterizin g 135:17,24	news 28:18 141:6, 7	<hr/> O <hr/>	officer 4:12,14,22 5:12,13,20,21 6:2, 11 7:9 9:18,20 10:14,23 11:10,21 12:20 13:10 14:2 15:10,12 16:1,5,9, 11,16 17:2 19:16 20:10 21:5 22:8, 20,23 23:4 24:9 31:11 32:5,20 36:3,11,14,16 37:11 38:7,19,21 39:10,22 40:7,11, 18 42:14,20,21 43:3,14,17 45:22 51:4 53:3 60:10,13 62:22 63:14 68:11
misconduct 8:7	night 23:20 26:14, 18,22 27:13 31:17 33:16,19 34:1 45:2 52:4 57:1 60:2 62:23 66:17 69:15, 22,23 73:9,74:16 78:13 79:18 81:8, 20 82:14 85:19,22 89:9 114:19,20 115:5 120:10,23 121:24 122:14 123:14 129:16 132:18 137:17 138:6	oath 6:7	
misinterpretation 93:16	non-operational 122:5,22	objecting 17:22 18:1,8,22	
misquoting 138:20	northbound 95:13 106:11,14	objection 19:1,2, 11,13,18,20 20:15 22:22,24 24:1,19 25:1,9 26:8 28:9 30:6,18 32:9 36:17 37:13 38:3,9,15,23 39:6,12,18 77:17 85:9 134:17	
missed 93:4 129:7	northeast 105:16	objections 17:21 19:8,17 39:24	
missing 92:4,19 93:7,24	note 15:5 20:18 22:21,24 88:11 119:11 128:2 129:23 130:1		
Mondragon 35:10 38:22 65:21 68:10			
month 123:10			
months 30:4,8,10 37:24 129:21			
morning 85:7			
mouth 22:10			
move 17:2 21:15 33:16 59:9 62:11 70:10 113:13			
moved 111:2 112:13			
multiple 92:17 94:1 109:16,19 110:10			

--	--	--	--

[REDACTED]

portion 97:5	probable 17:9	proximity 90:3	quickly 64:9 122:11
posed 16:17	Procedural 70:10	Pulaski 44:22	quiet 134:24
position 101:8	procedurally 81:23	50:4,5 90:7,9,12 91:6,16,19,22 92:16 101:2 103:6 105:15,21 106:5	
positioned 137:7	procedures 117:10 119:15	pull 121:20 122:6	<hr/> R <hr/>
possession 18:15	proceed 20:16 21:19	pulled 121:19 122:17	R-u-s-s-e-l 5:11
postpone 18:6	proceeding 8:14 9:17 17:9	punctured 53:23	R815 133:1
practice 4:6 126:3 127:5,7,9 134:8 135:12 136:4,5	proceedings 142:5	puncturing 75:13	R8489 115:21
pre-discussion 82:22	process 121:1 122:6 123:4 133:9	purpose 88:3	Racine 119:1
preface 17:4	processing 128:3 129:24 130:3,5	purposes 19:4	raise 5:21 19:9
preliminary 4:1	product 4:9	pursuant 5:17	raised 18:3 22:7, 23
preparation 14:21 29:20	progress 13:7 88:7	pursued 89:7 90:24	raising 22:5,19,21
prepare 14:2	prohibits 7:22	pursuit 91:7,19 92:16	ramp 90:7 100:10
presence 47:8	project 97:15	put 7:6,8 10:15 20:14 22:9 117:4 125:18 134:13,15 135:1 137:13	ran 53:7 89:5,7 90:6,11,21,23 91:6,18 92:15
present 4:3 5:6,16 8:19 10:2,16 27:3 32:11 33:18,20 35:20 51:4 79:23 82:20 83:3	promises 10:3	<hr/> Q <hr/>	Raul 16:3 97:10,13 101:11
presented 29:2	properly 119:18 121:14 139:16,18 140:5,9,10,17,24	question 19:1 24:2 26:13,14 27:16 39:22 40:6 41:16 78:1 101:22 134:20 137:21,24	RB 130:17
pressure 10:4	property 4:9	questioned 18:17	reach 91:22
pressured 83:1	protect 56:12	questioning 18:22 19:10,14,24 113:16 141:13	reached 91:17,23
pretty 26:21 30:20 65:3 119:24 122:10 125:11 129:12 133:7	protection 35:5 56:3,6	questions 6:24 7:6,8,9 9:2,24 15:11 16:6,8,12,17 19:17 25:19 32:15 35:18,24 61:21 85:12 89:2,17 98:2 105:8 113:14	read 6:17,20 9:10 17:3 107:12 128:4
previous 125:15 132:2,5	provide 4:3 11:2, 13,24 12:11 13:4, 16 17:13 18:11 20:23 21:8,10,12, 16,19 25:16 26:6 82:18 87:9	quick 109:24 141:15	Reading 130:23
primarily 19:22	provided 4:10 12:16 14:4,18 16:5 18:10 20:13,21 28:14 82:19 97:9 125:22		ready 88:22 106:8
prior 18:9 28:24 29:3 37:12 38:8 82:24 92:11 110:18,22 111:3,7 112:13,18,23 113:3 114:24 115:22 127:11 131:7,11 132:14	providing 4:2		real 46:12 67:2
			realize 58:20
			realized 58:20
			reason 94:16 132:20 133:15,19 134:15
			reasonable 8:20
			reasons 94:12,18 95:11,12 109:20
			recall 24:14 26:2 28:6 32:4 35:2,3,7 37:24 41:12 42:10, 12 43:10,16,18,22

45:2,11 49:4,17,18 50:14 51:6,14 52:19 53:15,21 55:4 57:21 58:2 59:14,19 60:8,21 62:4,7 66:3,9 69:6 70:5,21 71:15 73:1,3,5 74:19 76:8 78:15 79:15 80:4,12,16,17 81:21 82:6,16 84:18 85:8,11,19 86:18,20 89:10,20 91:3,7 94:18 101:3,4,5,7 103:4 106:9 112:5,6,7 113:11 116:6 117:21 118:12,20, 21 119:5 120:10 123:4 124:20 126:2,22 127:3,8 128:12 129:9 131:6 recapping 60:1 receipt 10:17 11:17 13:21 receive 86:7 received 15:6,8 17:7 21:4,6,10 26:4,10 86:5 118:15 receiving 14:16 17:1 recollection 18:19 26:18 28:15 29:9 77:24 116:10 record 4:21,24 5:7 10:7,16 15:5 19:19 20:9 21:23 22:2,3, 21 23:1 34:8,10,11 51:18 62:17,19 76:11 99:4 103:2 110:2,4 114:6 124:8 140:19,23 141:16,19 142:1 recorded 97:18 129:11 138:1	recorder 117:19 118:1 recorders 118:3 recording 4:8,12, 15,17,19,23 119:17 136:23,24 137:4,19,22 recordings 140:24 recover 53:22 recovered 97:6 133:1 red 137:5 redescribing 74:15 referencing 129:3 referring 139:17 reflect 4:21,24 refresh 29:9 refusal 7:11,12 9:1 refuse 7:7 17:12, 17 24:17 refused 18:6,11 refusing 6:3,6 9:18 15:10 16:8 regular 37:2 87:22 104:24 115:24 116:2 127:4,7,9 135:12 136:4,5 regularly 125:11 regulation 115:13 Regulations 7:14, 22 relates 20:10 131:2 relation 36:5 44:19 72:3 relationship 36:21 37:11 38:7, 21 39:10,23 40:8	relax 81:5 released 129:20 relevance 19:23 77:17 85:9 remain 7:5 17:7 remaining 139:23 remember 26:7, 10 30:13 42:6,9 43:23 44:4 47:16 48:20 56:2 57:15 58:13 59:1 63:4 64:17 70:24 73:24 74:8 76:9 82:6 86:8 103:5 123:8 125:23 128:16 remote 117:18 removal 8:8 rep 81:2,17,19 repetitive 109:1 replay 72:8 report 7:20,22,24 12:19 13:8 23:18 75:6,16 76:7 77:14,15 87:16,17 88:4,8,12,18 107:9 121:2 126:21 128:7 reporter 4:3,9 5:5, 22 6:3 reporters 4:6 5:2 reporting 137:23 reports 27:3 28:19 29:2 32:12 78:12, 13,17,24 79:6 80:22,23 87:24 88:10 95:2 representation 9:16 20:24 22:13 representative 8:18,21 10:2 80:1 representatives 60:19,22 80:6	represented 20:21 22:9 reps 80:5,14,20 request 4:11 15:2 21:9 25:5 requested 4:22 18:8 requesting 21:2 require 20:19 required 77:13 78:6 126:17 resisting 76:20 responded 139:13 responding 133:23 response 7:19 75:6,15 76:6 77:14 78:12 80:22 109:4, 18 110:12,20 112:4,15 113:9 140:7,15,22 responses 111:4 responsible 47:3 result 8:1 retrieval 127:14 128:8 retrieve 139:4 retrieved 71:21 129:6 retrieving 139:8 returned 87:1 review 9:11 12:5 14:3,13,14,17 21:7 27:9 28:12 29:1,8 88:21 130:21 rewinding 74:21 Ricardo 40:18 Rick 35:23 65:21 rights 6:13 9:10,
--	--	---	--

15,21,22,23 10:8 17:6 18:13 20:13 24:16	133:17 134:17,21 135:15,20 137:21 138:3 141:13,15	92:19 93:24 97:16 98:1 101:11 103:15	41:13,19 43:4,8 44:14,19 45:4,15 47:3,5,18 49:6 55:6 59:13 60:11, 14 61:1,17 62:3,24 63:2 64:15,19 66:18 70:7,19 75:10 79:18 80:3 82:3,5,9,21 92:10 94:11,15 95:11 110:19,22 111:3,8 112:14,18,24 114:16
road 91:6,19		section 113:17 117:9	short 40:2 100:1 114:23
Robert 16:13 33:2 92:24 98:14 99:2,3 104:7,18 113:21 133:1	S	securely 117:20	shortened 92:6,9
roll 131:16	S03-05 116:21	security 14:11	shortly 43:24 52:14 128:21
room 67:4,9,10 68:12,21,24 83:10 86:18,20,21 87:3	safe 124:13	send 121:7 122:4 123:17	shot 33:19 35:8 41:8 96:5 103:12 111:12 113:3
rotate 37:4 124:3	Sam 116:16	sending 124:14	shots 92:21,22 94:2 95:14,21 104:8 106:11,24 107:2 109:19,20 110:14
roughly 122:6	Sarah 5:4 15:20	sentence 90:14, 16,17,21 91:5 94:9 96:3	shoulder 70:23 71:18,19 73:13 83:12
rows 68:15,16	scattered 68:16, 23	sentences 89:1, 14 92:18	shouting 136:14
Rule 7:20	scene 31:17 34:2, 6 35:1,5,8 41:11 42:15 43:8,20 44:5 45:7,19 46:2,17 47:5,6,10,14,17 52:7 55:15,18,23 56:2,3,6,13,22 57:3 59:11,16,22 60:3,7,9,16,20,23, 24 61:2,5,12,22 62:8 64:9,18 65:3, 10 70:2,3,13,14 74:23 80:3,4 83:3 86:10,11 92:1 93:5 95:20 106:19,20 127:17 128:14 133:24 135:10	separate 46:8,10 52:6 83:10 88:6	show 96:22 97:5 127:13 130:11 138:8
rules 7:13,21 115:13	scheme 93:20	separated 86:14	showed 71:8 74:5 119:8,20
run-down 52:10 81:6 89:11	Scratch 49:14	separately 50:15 71:5	showing 44:15 71:9 74:21 119:22
running 72:16,17 98:19 99:4,12,16 105:16	screaming 58:21	separation 8:1	shown 73:9 98:3, 10,15 99:8 100:13 102:7,19 103:16, 23 129:14
Russell 4:16,18 5:10 9:15 14:22 15:3 16:2 17:1 18:21 19:6,9,13 20:2,6,18 21:5,13, 19,23 22:5,18 23:2 24:1,19 25:1,9 26:8,13 28:9,12 29:16 30:6,18 31:18,21 32:9 34:8 36:17 37:13,19 38:3,9,15,23 39:6, 12,18,24 41:16,19 49:22 62:13 69:17 77:17,22 83:11,15 85:9 90:13,17 94:22 95:7 97:1,3 100:18 101:22 102:9 103:1 104:22 105:3,7 107:18,24 109:24 114:15 122:20,23 123:1 130:1,6	screen 97:15 104:3 114:10 119:16,20 124:24 125:1 136:20 137:1,2,3 138:7,8, 11	sergeant 23:19,20 42:1,5,16,17 43:3, 15,19 46:4,23 51:8,10,14 57:19 58:21 59:3,16 61:7 66:7,8 69:1,22 76:3 77:3,8 79:7 121:3,6,19,20 122:5 123:3 124:15 128:23,24 138:18 139:15	shows 114:10
	scroll 127:24	sergeants 122:16	shy 108:10
	seat 115:1 120:20	serve 7:15 9:5	side 50:22 67:3,9 114:9
	seats 68:16	service 10:15	
	Sebastian 35:10 39:11 65:21 68:9	shift 23:15	
	seconds 91:23	shoot 111:19 112:1,6 113:8,12	
		shooting 16:7,8 24:11 25:20,22,24 27:20 31:1,8,16,24 32:1,6 33:17,22,23 34:5,15,24 35:1	

sidewalk 91:15 99:19,20 100:23 105:23	speaking 41:12 42:18,20 45:22 46:1 48:15 59:12 71:2 120:22	stands 28:21	Steve 23:21 42:5 66:4,5
sight 102:3	Special 116:15,21	star 23:4	Stevenson 90:8
sign 9:20 10:7,9 58:2	specific 22:10,19 24:14 26:5 36:9 79:15 80:12,17 81:21,22 84:18 85:8 123:5,8 124:20 126:23 127:2	start 48:18 53:5	stick 65:3
silent 7:5 17:7	specifically 21:21 28:11 32:4 42:13 45:11 58:6 59:14, 16 70:24 71:15 74:8 87:18 89:10 93:10 96:7 112:5 113:2 116:22 117:8,9,12 120:13 139:7	started 35:4 42:3 52:11 92:22 116:7, 11 131:9 132:13	stop 99:13,16
similar 139:22	specifics 90:11 119:6	starting 106:6	stopped 95:14 99:18,19 100:7,16 101:17 106:1 126:1,4,5,15
simply 19:18	speculation 77:18	starts 108:6,15 137:3	stops 104:7 137:4
single 19:1	Speed 19:5,6	startup 119:15	story 26:21 30:21 46:14 51:24
sir 16:20	spell 5:7 33:7 124:7	state 31:2,3 111:24 112:12,22 113:7	straight 96:24
sits 28:16	split 48:5	stated 109:15 110:9 111:11,18	street 44:22 90:10 91:17 99:21,22 100:5 108:10,11, 15 131:9
situation 81:10 93:21	spoke 42:23 43:12 44:11 45:7 46:4 47:17,24 48:12,21 51:19,22,23 80:17 81:18	statement 8:5,11 9:3,9 17:2,5,10,13, 14 18:12 25:16 28:7,17,18 29:11, 15,22 50:7,12,17 51:1,15 56:19 60:17 67:22,24 68:6 81:6 82:18,24 83:2,5,18,22 84:3, 5 88:20,21 89:8, 18,21 91:10 93:23 96:4,8,12,15,18,20 107:12,19,20 108:5,8,21 109:14 110:8,12 111:10, 14,17 128:17 135:18 139:9	strong 92:6,9
slight 115:19	spoken 51:20 52:1 80:18	statements 7:19 12:21 27:9,10,17, 21,24 50:10 51:5 52:14,15,24 75:9 82:19 83:2 93:7,9, 12 107:9,13,15	stuff 65:8
slightly 28:2,4 93:13 114:9	squad 48:11 49:20 50:3 52:9 53:3 92:2 95:15 103:18, 19	stating 9:22	subject 130:16
slips 84:1	stabbed 54:1	station 88:1	substance 28:3,5 81:20
small 86:21	stand 18:20 120:13	stayed 125:19	substantiating 20:20
socialize 36:15 38:1,13 39:4,16 40:15,19	standing 50:8,19 72:11	stays 56:16	substantive 15:5
socializing 40:4		stepped 69:5	substantively 121:9
software 114:10 120:14,15		steps 117:16	successfully 132:17
sort 47:7 73:14 74:2,9 76:19			Suite 5:3
sound 35:15			summary 92:6,7,9 94:12 127:15
sounds 35:14,17			summoned 24:9
southbound 50:5 54:11,12 106:3			super- 45:3
southeast 105:18			superior 7:9 15:11 16:9
spare 44:16 84:24 85:2			supervisor 86:10 140:13
speak 14:21 29:24 30:5 32:5 41:10 42:15,21 43:3,15, 17 44:9 45:18 46:8 81:17,19			supervisors 43:20 45:3

supplemental 12:19 87:22,23 88:4,18 107:9	takes 122:12 131:22	thereof 8:12	title 87:18
supplementary 87:16,17,24	taking 18:2 35:4 49:16,19 50:2 128:11	thing 30:20 66:23 93:16 137:4	titled 87:15 97:14 117:10
supplying 126:3	talk 35:1 45:2,14 49:7 56:24 59:24 60:22 62:23 66:16, 20,22 70:12,18 77:7	things 35:4 54:20 88:5 92:11 94:19 120:5	today 4:3 5:17 20:6,15 27:4 28:16 29:2 32:12 141:23
support 48:8	talked 30:11 45:13 69:24 109:2	Thomas 33:6	today's 4:24 14:3
supporting 41:9 42:3	talking 32:13 35:3 42:8 48:19 49:1 59:16,18 70:8,24 72:5 79:9 80:14 107:18 114:15	thought 78:3 88:11 108:2 129:10 139:15	told 26:21 53:6 65:3 77:3,23 78:23 79:5 83:24 84:6,8
supposed 58:18 59:7 128:20	tall 57:20	threatened 78:8	Tom 35:10 78:20
surprised 133:22 135:9 136:2,8,11	tape 47:7 56:17	threats 10:3	tonight 20:7
surprising 134:2	technician 53:22 54:15,21 57:6,7,12 65:2,7 66:24 127:16	threw 125:16	top 95:23 101:7 104:23 120:21 131:4
SUV 98:22	Telephonically 15:18	ticket 121:17,18, 21 122:2,7,17,20, 21 123:9,11,18,19	topic 74:9
swear 5:22	telling 46:15 51:24	tie 57:8	tour 117:13 122:9 131:7 132:2 140:6, 9,21
swivels 137:16	tendered 13:22 87:11 109:7,10	tight 21:14	tours 132:9
sworn 6:3 9:18 18:9	terms 41:23 43:20 66:17 120:14 129:3	time 5:1 8:20 15:14 17:16 18:19 31:8,18,21 34:1 40:2 42:24 44:1 46:17,19 50:11 51:19 52:6 55:11 56:24 58:24 60:9 62:13,16 63:4 65:19 67:23 69:2, 13 75:11 80:12,17 84:3,4,17,18 85:6 97:18,22 116:3 119:19 122:17 123:12 128:8 137:14 141:5	traffic 90:7 91:24 92:1,23,24 100:8,9 104:9 106:2,3,6, 15,18 107:1
sync 133:9,13	testified 6:7 29:16 30:1	times 69:6 104:22 115:22 125:14 126:23 127:2	trained 120:2,9,15
system 97:7 113:14 114:3,4,7, 12 115:3,5,7,14 116:5 117:14 118:17 124:19 125:4 126:19 131:19 140:4,13, 20	testify 24:17,24 25:5 26:14,17 30:24 31:4,7 77:23	timestamp 97:17, 19 98:19	training 115:16,17 118:16,19,21 119:4,5,7
system's 128:10	testifying 25:8	tire 44:12 45:15 53:22 54:22 55:10, 21 57:9 61:13 63:10,12 75:14 84:24 85:3	transcript 4:4,5 12:3 20:3
systems 14:7 116:22	testimony 18:9, 12,16,18 24:10,13 25:11 27:19 28:14, 24 29:3,21 30:5,11 31:12,20 32:7 77:22	tired 125:16	transmitter/audio 117:19
<hr/> T <hr/>	text 31:11,15		transpired 93:11
Tactical 75:5,15 76:6 77:14 78:12 80:22			trouble 58:11 128:17
tag 95:19			TRR 76:9,10,11 78:17
Tahoe 115:18 120:12,16			truthful 18:19
tailored 18:23 19:3,15			truthfully 7:1,7
			turn 82:23 88:18 137:12

<p>turned 90:9 93:4 102:22 105:14 106:23 107:2</p> <p>turning 91:24 95:15 104:7</p> <p>TV 129:14</p> <p>type 120:11 123:19</p> <p>typed 93:12</p> <p>types 115:17</p> <hr/> <p>U</p> <hr/> <p>U-turn 92:21 104:6</p> <p>U.S. 27:2,12</p> <p>Uh-huh 29:4 89:3</p> <p>umbrella 19:11,13</p> <p>underneath 118:6 125:7</p> <p>understand 6:21 7:2,4,5,7,10,16,18, 20,23 8:3,5,9,11, 15,17,23 9:1,7,12 16:19 65:5,6 95:3</p> <p>understanding 9:23 105:14</p> <p>understood 6:20 9:19 20:1,4,8 37:1 75:21 96:14 100:11 104:11</p> <p>unduly 8:22</p> <p>uniform 125:22 126:14</p> <p>union 8:18,21 10:1</p> <p>unit 23:7,9 32:21 63:23 64:1,2 67:6, 9</p> <p>units 42:3</p> <p>unusually 57:20</p> <p>update 86:3</p>	<p>upload 131:22,23</p> <p>uploading 132:2</p> <p>uploads 131:21</p> <hr/> <p>V</p> <hr/> <p>V-a-l-d-e-z 5:8</p> <p>Valdez 5:8 6:15 10:8 13:20,23 16:3 32:17,19 33:13 61:23 62:2,10,15 85:14,16 87:6 97:12,20 98:6 101:20 105:1,10, 12 107:5 109:5,8,9 113:16,19 114:17, 18 117:3 122:22, 24 123:2 127:18, 21 130:4-133:18 135:2,6 139:21</p> <p>Valdez's 6:14</p> <p>Van 32:5 35:9 37:12 42:20 43:3, 14 45:23 48:4 59:17 60:10 65:20 68:9 71:1,3,14 72:13 73:19 74:14 78:14,16,19 79:10, 12 80:21 103:9 111:2,19,24 112:13 113:7,11</p> <p>varied 116:14</p> <p>vehicle 52:9 54:24 55:1 75:23 97:7 103:9 104:12 105:2 113:21,22 114:1,22 115:10, 20,21,24 116:2 117:16 118:5,6,10, 13,17 119:10 120:10,11,24 123:23 124:2,14 128:15 131:2,3 132:9 133:10 134:12 136:19 138:16 140:5,14, 20</p>	<p>vehicle's 124:18</p> <p>vehicles 14:7 116:4,13 135:10</p> <p>Velez 35:13 40:7 48:4 65:23,24</p> <p>verbatim 4:4 96:13</p> <p>versus 68:2</p> <p>vice-versa 50:13</p> <p>victim 75:18,24 77:5,21 78:10</p> <p>victims 78:20</p> <p>Victoria 115:18</p> <p>Victorias 120:9,19</p> <p>video 14:6,7,10 53:10 55:5,20 57:12,16 58:23 61:1,4,8,9 70:21, 22 71:6,14,18,22 72:1,19,21 73:3,5, 12,19 74:3,5 79:11 83:8,12,13 96:23 97:3,6,7,17,18,19 98:3,11,15 99:8,11 100:13 101:1,18 102:7,18,19 103:14,16,23 105:9 114:3,4,7,12 115:7 116:4,22 117:14 118:16 119:5,9 121:11,14 124:19 126:19 127:14,16 128:3, 11,15 129:3,6,19, 23 130:3,5,7,9 131:21 132:2,6,13 133:1 136:21 138:18,21,22 139:4,16,24 140:4, 8,13,20 141:5</p> <p>video_ts.ifo 97:14</p> <p>videos 14:13 53:13 73:6 97:8 128:3 131:6 133:24 134:9</p>	<p>view 114:10 137:14</p> <p>VIN 95:19</p> <p>violation 7:13 9:4 17:10 18:13</p> <p>Viramontes 35:22,23 40:18 65:21 68:10</p> <p>vision 104:17</p> <p>visually 117:14</p> <p>vital 133:7</p> <p>VOC 97:13,21,22</p> <p>voluntarily 17:15</p> <hr/> <p>W</p> <hr/> <p>W-a-l-a-n-o 124:9</p> <p>wait 54:14,18 56:7 64:24 65:7,9 67:18 84:13</p> <p>waited 34:19,20 35:4 53:21 60:4 67:17 68:5 83:24</p> <p>waiting 15:1 54:19 56:2 59:21 67:21 70:9 83:8,20,21</p> <p>waiver 9:22</p> <p>Walano 37:8 124:6</p> <p>walk 33:21 34:4 93:4 114:11</p> <p>walking 34:14 100:21 103:6 105:23 110:18 112:23</p> <p>walls 86:21</p> <p>Walsh 34:16 35:9 38:8,19 43:17 44:3,10 45:14 48:4 55:13,21 60:13 61:12 65:20 68:9 71:1,3,14 72:12 73:19 74:14 78:20</p>
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79:10,12 80:21 103:8 111:2 112:12	wording 22:14 102:5	
wandering 68:19	words 22:10 89:10	
wanted 30:20 56:7 68:4 95:19 134:24	work 4:8 36:16 38:2,14 39:5,17 40:16,19 50:13 121:14,15 127:3 128:1 134:4	
watch 23:12,13,14 37:15,18,21,23 38:20 40:3,10,22 41:1,3,4 71:18 83:8,13 98:1 125:15	worked 37:17,19, 21 40:2,9,21 116:4 129:5	
watched 72:21 73:11 119:8	working 121:16 122:1 123:9,19 129:7 140:5,8	
watching 61:4,8 71:6,14 72:1 73:18	works 121:11 132:16	
wave 104:8	worksheet 127:14 128:8	
waved 92:20	worth 132:6	
ways 114:11	write 94:23	
weapons 76:14	writing 49:11 51:12 94:24	
wedding 36:22	written 7:23,24 25:16 48:11 93:9, 12,15 94:20	
weeks 30:4 129:20	wrong 92:15	
Wentworth 63:20	wrote 56:20 96:9	
West 5:2 119:2		
white 86:21		
window 133:6 136:15	Y	
windows 136:16	yard 108:14	
windshield 53:24 54:22 57:8 75:13 114:9	year 116:9 126:7	
witnessed 34:15 59:12 64:19 70:19 82:4	years 36:8,12,13 115:16 120:5 126:5 127:11,12 135:12	
witnesses 47:2,9, 14 62:8	yellow 56:16	
wondered 60:4		
wondering 99:15 101:13		

CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL

ADVISEMENT OF RIGHTS

I, Joseph McEllygott, understand that I am being interviewed by
Sarah Ansari and Raul A. Valdez from the City of
Chicago Office of Inspector General.

DATE 5/9/16 TIME 10:15pm LOCATION 300 W Adams

I understand that this interview is part of an official investigation and that I have a duty to cooperate with the Office of Inspector General, which includes answering all questions completely and truthfully.

I understand that I have no right to remain silent. I understand that I have an obligation to answer questions put to me truthfully. I understand that if I refuse to answer questions put to me, I will be ordered by a superior officer to answer the questions. I further understand and I have been advised that if I persist in my refusal to answer after an order to do so, such further refusal constitutes a violation of the Rules and Regulations of the Chicago Police Department and may serve as the basis for my discharge.

I understand and have been advised that my statements or responses may constitute an official police report. I understand that Rule 14 of the Chicago Police Department's Rules and Regulations prohibits making a false report, written or oral, and I further understand that making such a false report, whether written or oral, may result in my separation from the Chicago Police Department.

I understand that any statement made by me during this interview may be used as evidence of misconduct or as the basis for disciplinary action up to and including removal or discharge.

I understand that any statement made by me during this interview and the fruits thereof cannot be used against me in a criminal proceeding.

I understand that I have the right to have a union representative, or legal counsel of my choosing, present at the interview to consult with, and that I will be given a reasonable time to obtain a union representative or legal counsel as long as the interview is not unduly delayed.

I understand that a refusal to answer any question, or any false, inaccurate, or deliberately incomplete statement by me would constitute a violation of Chicago Municipal Ordinance 2-56, and may serve as the basis for my discharge.

I acknowledge that this statement of my administrative rights has been read aloud to me, and I have been allowed to review this document.

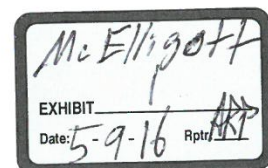
Joseph McEllygott
Employee Signature

Witness: Sarah Ansari Witness: ulstoy

WAIVER

Understanding these rights, I wish to answer questions from investigators from the Office of Inspector General without having a union representative or legal counsel present. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Employee Signature: _____



NOTIFICATION OF INTERVIEW TO CPD MEMBER			DATE
CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL			April 21, 2016
NAME	RANK	STAR NO.	UNIT OF ASSIGNMENT
Joseph McElligott	Police Officer	18715	008

YOUR APPEARANCE IS REQUIRED

AT <input checked="" type="checkbox"/>	Amicus Court Reporters 300 West Adams, Ste. 800 Chicago, IL 60606	ON	DATE May 9, 2016	TIME 9:00 PM
AS	<input checked="" type="checkbox"/> ACCUSED	<input type="checkbox"/> WITNESS	<input type="checkbox"/> COMPLAINANT	
FOR	<input checked="" type="checkbox"/> A STATEMENT			
CONCERNING The October 20, 2014 shooting of Laquan McDonald.				

YOU ARE TO REPORT TO:

LEAD INVESTIGATOR	TITLE	PHONE NO.	EMAIL
Kristopher Brown	Investigator III	773-478-0221	kbrown@chicagoinpector general.org

NOTE: You MUST notify the Lead Investigator of your inability to keep this scheduled appointment.

ALSO PRESENT AT THE INTERVIEW WILL BE:

NAME	TITLE	NAME	TITLE
Raul Valdez	Investigator II	N/A	N/A

THE INTERVIEW WILL BE ☐ AUDIO RECORDED ☒ TRANSCRIBED BY A LIVE REPORTER

TO BE COMPLETED BY INTERVIEWEE (if applicable)

ACKNOWLEDGEMENT

Please contact Investigator Brown at (773) 478-0221 to confirm receipt of Notification of Interview and to confirm your attendance at the interview.

I hereby acknowledge receipt of this Notification of Interview.

SIGNATURE Joseph P. McElligott DATE 21 APR 16

PRINTED NAME Joseph P. McElligott TIME 2211

TO BE COMPLETED BY OFFICE OF INSPECTOR GENERAL OR
CPD COMPONENT PROVIDING NOTIFICATION TO INTERVIEWEE

NOTIFICATION MADE TO:	TITLE, RANK, & UNIT	DATE	TIME
NOTIFICATION MADE BY:	TITLE, RANK, & UNIT	DATE	TIME



NOTIFICATION OF ALLEGATIONS

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

NAME OF ACCUSED	RANK	STAR NO.	UNIT OF ASSIGNMENT
Joseph McElligott	Police Officer	18715	008 - 815R

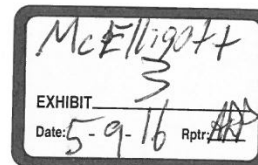
City ordinance, and if applicable, collective bargaining agreements, provide that you are entitled to notice of the nature of the allegations against you and the identity of all complainants prior to any interview. Accordingly, you are advised as follows:

COMPLAINANT(S)

1. John J. Escalante, Interim Superintendent of Chicago Police Department (CPD), sent a letter to the City of Chicago Office of Inspector General (OIG) dated January 13, 2016, requesting that OIG conduct an administrative investigation of the following allegations arising out of the October 20, 2014 shooting death of Laquan McDonald (the McDonald Shooting): "whether any officer(s) made false statement on official reports submitted in connection with the shooting of Laquan McDonald on October 20, 2014; whether any officer(s) obstructed or interfered with the investigation of this incident, either individually or in collusion with others; and whether any officer(s) committed any violation of Chicago Police Department rules, policies, or orders in connection with their response and/or handling of this matter." Escalante attached to the letter a copy of Sergeant S. Soria's (Star # 2275) Initiation Report, which raises similar allegations of misconduct with respect to Department members in connection with the McDonald Shooting, and identified that Report as a basis for OIG's administrative investigation.

ALLEGATION(S)

1. On or about October 20, 2014, you made a false statement during an interview with Detective David March of the Chicago Police Department (CPD) when, with respect to the McDonald Shooting, you stated that you heard multiple gunshots but did not see who fired the shots.
2. On or about October 20, 2014, you made a material omission during an interview with CPD Detective March when, with respect to the McDonald Shooting, you failed to state that McDonald changed the direction in which he was walking prior to the shooting.
3. On or about October 20, 2014, you made a material omission during an interview with Detective David March when, with respect to the McDonald Shooting, you failed to state that Officer Walsh and Officer Van Dyke moved toward McDonald prior to the shooting.
4. On or about October 20, 2014, you made a false statement during an interview with Detective David March when, with respect to the McDonald Shooting, you stated that the gunfire was continuous, one shot after another.
5. On or about October 20, 2014, you made a material omission during an interview with Detective David March when, with respect to the McDonald Shooting, you failed to state that Officer Van Dyke continued to shoot McDonald after McDonald fell to the ground.



6. On or about October 21, 2014, you made a material omission during an interview with Independent Police Review Authority (IPRA) Investigator Killen when, with respect to the McDonald Shooting, you failed to state that Officer Walsh and Officer Van Dyke moved towards McDonald prior to the shooting.
7. On or about October 21, 2014, you made a material omission during an interview with IPRA Investigator Killen when, with respect to the McDonald Shooting, you failed to state that McDonald changed the direction in which he was walking prior to being shot by Officer Van Dyke.
8. On or about October 20, 2014, you made a material omission during an interview with IPRA Investigator Killen when, with respect to the McDonald Shooting, you failed to state that Officer Van Dyke continued to shoot McDonald after McDonald fell to the ground.
9. On or about October 20, 2014, you failed to ensure the in-car video system for CPD vehicle 8489 was working properly at the beginning of your tour of duty.
10. On or about October 20, 2014, you failed to immediately notify a supervisor that the in-car video system for CPD vehicle 8489 was inoperable or damaged.
11. On or about October 20, 2014, you failed to audibly record events with CPD vehicle 8489's in-car video system during your tour of duty.

ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the identity of the complainant(s) and notice of the nature of the allegation(s) against me.

Signature

Joseph P. McElligott

Date

21 APR 16

Printed Name

Joseph P. McElligott

Time

2812

WITNESSES

[Signature] #879



CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL
740 North Sedgwick Street
Suite 200
Chicago, Illinois 60654

RECEIPT FORM

OIG FILE NO. 15-0564

ON

DATE

21 Apr 16

AT

TIME

2213 HRS

NAME

SGT. JAMES BAER⁸⁷⁹

TITLE

Sergeant

☐ SEIZED FROM

☐ RECEIVED FROM

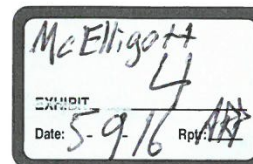
☐ RETURNED TO

☒ RELEASED TO

NAME	TITLE	DEPT.
Joseph McElligott	Police Officer	Chicago Police Department

THE FOLLOWING ITEM(S):

1. A City of Chicago Office of Inspector General DVD containing the following materials:
 - A copy of the portion of the March 16, 2015 Case Supplementary Report for R.D. No. HX475653 that memorializes Detective David March's October 20, 2014 interview of Joseph McElligott;
 - Detective March's October 20, 2014 General Progress Report for R.D. No. HX475653 concerning March's October 20, 2014 interview of Joseph McElligott;
 - A copy of the transcript of the October 21, 2014 interview of Joseph McElligott, conducted by Independent Police Review Authority Investigation Brian Killen;
 - The October 20, 2014 audio and video files for the in-car video system of beat number 813R;
 - The October 20, 2014 audio and video files for the in-car video system of beat number 845R;
 - The October 20, 2014 Dunkin Donuts security video of the Laquan McDonald shooting;



ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the above-listed item(s).

Signature Joseph P. McElligott

Date 21 APR 16

Printed Name Joseph P. McElligott

Time 2214

WITNESSES

[Signature] RR

STATEMENT OF P.O. JOSEPH McELLIGOTT

CONDUCTED BY INVESTIGATOR KILLEN

ON OCTOBER 21, 2014 AT 0436 HOURS

AT AREA CENTRAL POLICE HEADQUARTERS



1 KILLEN: This is the, this is the audio recorded interview
2 of Officer Joseph McElligott regarding Log number
3 1072125 U number 14 dash 36. Today is the 21st
4 of October 2014. And the time is approximately
5 0436 hours. This statement is bein' taken at
6 Area Central Police Headquarters. My name is
7 Investigator Killen, that's spelled K I L L E N.
8 My star number is 1 2 9. Uh also present in the
9 room is uh FOP attorney Dan Herbert. Dan if you
10 would say and spell your first and last names.
11 HERBERT: Dan, D A N, Herbert, H E R B E R T.
12
13 KILLEN: And then FOP Representative Kato, uh Kriston
14 Kato.
15 KATO: First name is Kriston, K R I S T O N. Last name
16 K A T O. FOP Field Representative.
17
18 KILLEN: And Officer McElligott if you would say and spell
19 your first and last names for me.
20 P.O.MCELLIGOTT: Joseph McElligott, J O S E P H,
21 McElligott, M C E L L I G O T T.
22
23 KILLEN: Okay and what's your star number?
24 P.O.MCELLIGOTT: 1 8 7 1 5. (noise)
25
26 KILLEN: And your employee number?
27 P.O.MCELLIGOTT: [REDACTED]
28
29 KILLEN: And your date of appointment with the Department?
30 P.O.MCELLIGOTT: 27 August '01.
31
32 KILLEN: And your date of birth?

1 P.O.MCELLIGOTT: 29 April '78.
2
3 KILLEN: And your current unit of assignment?
4 P.O.MCELLIGOTT: The 8th District.
5
6 KILLEN: And how long you been in 8th District?
7 P.O.MCELLIGOTT: Seven years.
8
9 KILLEN: All right. Now you're aware that this statement
10 has the standing of an official Department
11 report. And that any intentional falsification
12 of any answer to any question would be in direct
13 violations of rules and regulations?
14 P.O.MCELLIGOTT: Yes.
15
16 KILLEN: Given that, I'd like to remind you that failure
17 to provide a complete and accurate account of
18 this incident could result in a finding of a
19 violation of Rule 14 with discipline leading up
20 to and including separation from the Chicago
21 Police Department. Do you understand that?
22 P.O.MCELLIGOTT: Yes.
23
24 KILLEN: All right what was your duty status and
25 assignment on 21 October or 20 October 2014 at
26 approximately 2150 hours?
27 P.O.MCELLIGOTT: This statement is not being given
28 voluntarily but under duress. I am only givin'
29 this statement because I know I will be fired if
30 I refuse.
31

1 KILLEN: All right so what was your duty status and
2 assignment last night at (someone coughs) 2150
3 hours?
4 P.O.MCELLIGOTT: Full duty.
5
6 KILLEN: Okay. What time you start work last night?
7 P.O.MCELLIGOTT: Uh 2100.
8
9 KILLEN: Is that your normal start time?
10 P.O.MCELLIGOTT: Yes.
11
12 KILLEN: Okay and you remember what beat you were
13 assigned?
14 P.O.MCELLIGOTT: 815 Robert.
15
16 KILLEN: Okay and were you assigned a partner?
17 P.O.MCELLIGOTT: Yes.
18
19 KILLEN: And who's your partner?
20 P.O.MCELLIGOTT: Uh Thomas Gaffney.
21
22 KILLEN: All right and you and Officer Gaffney you guys
23 were assigned a vehicle?
24 P.O.MCELLIGOTT: Yes.
25
26 KILLEN: And what kinda vehicle?
27 P.O.MCELLIGOTT: It's a Chevy Tahoe.
28
29 KILLEN: Marked?
30 P.O.MCELLIGOTT: Yes.
31

1 KILLEN: Okay and you and Officer Gaffney are in full
2 uniform?
3 P.O.MCELLIGOTT: Yes.
4
5 KILLEN: Okay and then at about 2150 hours at about 41st
6 and Pulaski you and uh Officer Gaffney were
7 witnesses to a police-involved shooting correct?
8 P.O.MCELLIGOTT: Correct.
9
10 KILLEN: All right and if you would just um from the
11 beginning explain to me what happened?
12 P.O.MCELLIGOTT: Uh we responded to a call of holding
13 the offender at uh 4100 on Karlov. And um I
14 don't know I forget the exact address.
15
16 KILLEN: So you received this, you say responded to the
17 call. You got a call uh via OEMC?
18 P.O.MCELLIGOTT: Yes.
19
20 KILLEN: All right so over the radio you get a call.
21 P.O.MCELLIGOTT: Holding the offender um somebody's
22 stealing radios out of semi trucks.
23
24 KILLEN: Okay. Do you re, do you remember where you and
25 uh, where were you and Officer Gaffney when you
26 got that call?
27 P.O.MCELLIGOTT: Um we're somewhere along Archer around
28 Kostner.
29
30 KILLEN: Okay. So you're south of 41st and Kildare?
31 P.O.MCELLIGOTT: Correct.
32

1 KILLEN: And Officer Gaffney's the driver?
2 P.O.MCELLIGOTT: He is the driver, yes.
3
4 KILLEN: So you guys head over to that --
5 P.O.MCELLIGOTT: So we head over, we take Kostner up and
6 then uh take 47th to Kildare.
7
8 KILLEN: Okay. And what happens when you get there?
9 P.O.MCELLIGOTT: Um a male Hispanic and a female
10 Hispanic um we pull up to the address and they
11 said um that a male black wearin' a black shirt
12 was in the, tryin' to steal the radios outta the
13 semi. Um he was holding a, a white cord to like
14 a phone, like a charger. And he said he's got my
15 phone. So then he said he's right around the
16 corner. (clears throat) So then we, we drive
17 north to 40th Street and we turn right and then we
18 see a male black with a black shirt.
19
20 KILLEN: Okay and what's he doin'?
21 P.O.MCELLIGOTT: He's standing there and then he kinda
22 turns around when he sees us pull up.
23
24 KILLEN: And what happens?
25 P.O.MCELLIGOTT: At that point I got outta the car and
26 I'm giving 'em commands to stop, turn around.
27 And I noticed he has his left hand in his pocket
28 like in a ball. And in his right hand he's
29 holding something else. And then I tell 'em take
30 his hands out of his pockets; let me see your
31 hands. He doesn't take his hands --
32

1 KILLEN: So at this point is he, his back is to you?
2 P.O.MCELLIGOTT: He's facing me at this point.
3
4 KILLEN: Okay.
5 P.O.MCELLIGOTT: And then he starts turning and walking
6 away. And he's holding one arm out and one hand
7 in his pocket. He continues to walk and uh then
8 he turns again he takes both his hands out and,
9 and at that point he has a knife in his right
10 hand as if he just opened it up, like flipped it
11 open and he's holdin' his hand. At that point I
12 drew my weapon I tell 'em to drop the knife. Um
13 he kinda has this look in his eye like, like
14 maybe he's on some sorta drugs cause it was like
15 his eyes like rolled back. And then he walked,
16 he started walking east again with his hands out
17 and then he's kinda like kinda makin' motions
18 from side to side. He's kinda all over. Goes
19 from the street to the, to the sidewalk. And the
20 whole time my partner is kinda paralleling me.
21 And he's driving and I'm had my flashlight on 'em
22 and I'm tellin' 'em to stop. Tellin' 'em to
23 drop, drop the weapon. Drop the knife.
24
25 KILLEN: So you're on foot correct?
26 P.O.MCELLIGOTT: I'm on foot, walking.
27
28 KILLEN: And Officer Gaffney --
29 P.O.MCELLIGOTT: Walking with some distance between me.
30
31 KILLEN: You're behind him correct?
32 P.O.MCELLIGOTT: I'm yeah I'm behind him.

1
2 KILLEN: Behind the offender?
3 P.O.MCELLIGOTT: Yes.
4
5 KILLEN: And Officer Gaffney's paralleling him in the car?
6 P.O.MCELLIGOTT: He's, he's kinda like as far as I am.
7 Like he's like to my right just a lil bit.
8
9 KILLEN: Okay.
10 P.O.MCELLIGOTT: Or to my left just a lil bit. Um --
11
12 KILLEN: Do you close the distance on this guy?
13 P.O.MCELLIGOTT: We just continue to follow 'em. And um
14 then he, at one point (inaudible) my partner
15 decides to pull towards him. And uh at that
16 point he, the offender turned and like in a
17 downward stabbing motion popped the front tire.
18 My partner um at that point said that he popped
19 the tire. Prior to that though um he had asked
20 for an assist.
21 HERBERT: (inaudible)
22 P.O.MCELLIGOTT: He'd asked for somebody to come with a
23 taser. So as we're like tryin' to buy time this
24 happens with the, the tire at uh Keeler. And
25 then um we go a lil bit further and he decide, my
26 partner decides to pull closer to 'em to kinda
27 cause he knew Pulaski was comin' up and there was
28 Burger King and there's a bunch a other stuff
29 where people are. Decides to pull over a lil bit
30 (noise) kinda to veer 'em off so that he'll go up
31 one of the streets cause it's, it's a factory
32 area. And we know it's always like pretty bare.

1 There's nobody around. Um it's after hours. At
2 that point he um he, he grabs the knife and he,
3 he stabs at the, the windshield. So um then he
4 starts walkin' away. Stabbed at the windshield
5 then he walks away from the squad car. And he's
6 walkin' on the sidewalk again. And then um we
7 can hear the cars comin'. And then once we can
8 kinda see (noise) in the windows we could see
9 the, the blue lights in the reflection and you
10 could hear the, you could hear the sirens now.
11 (noise) That's when he decides to take off
12 runnin'. He just full on sprint. Uh I started
13 runnin' after 'em. My partner's driving the car
14 that has a flat. He's goin' after 'em too. He
15 goes through two semis were parked in the back of
16 the Burger King lot at 40th and Pulaski. He goes
17 through, I go through and then I see another
18 squad car pull. They're right behind 'em. They
19 pull behind 'em, he goes through a sidewalk and
20 then they go, they go around through and they
21 (clears throat) they cut through on the sidewalk
22 as well. Around the north side of Burger King.
23 And then I'm followin' up running and as I get to
24 Pulaski I turn right cause they all turned right.
25 (clears throat) And I got to about the light
26 (noise) I could see a bunch of squad cars comin'.
27 And um (clears throat) I keep runnin' (noise) and
28 then one of 'em is, he's lookin' to do a U turn,
29 one of the other squad cars. Um so instead of
30 getting hit I just stopped and I waved them to
31 go. (noise) (clears throat) And at that point he
32 turned around he, he's goin' um southbound slowly

1 so I know they're, they're stopping right there.
2 I hear the shots at that point. And uh when I
3 approach I think I was running down maybe the
4 middle that's when I saw the offender layin' on
5 the ground. And at that point Joe Walsh, Officer
6 Walsh uh he kicked, he the gun outta, or not the
7 gun the uh the knife out of his, his right hand.
8 (noise) Which he was still clenching at the time.
9 And then um (noise) asked for an ambulance and
10 that was pretty much it.
11
12 KILLEN: (clears throat) So when you guys, you're on 40th
13 and you see, you're kinda walkin' with this guy
14 right? You see 'em with the knife?
15 P.O.MCELLIGOTT: Hmm huh.
16
17 KILLEN: Right?
18 P.O.MCELLIGOTT: Yes.
19 HERBERT: Say yes.
20
21 KILLEN: So and you see 'em uh uh you described it as a
22 down motion, he stabbed the tire of the car
23 right?
24 P.O.MCELLIGOTT: Hmm huh.
25
26 KILLEN: That's the --
27 P.O.MCELLIGOTT: Yes.
28
29 KILLEN: -- front passenger tire correct?
30 P.O.MCELLIGOTT: Front passenger tire.
31

1 KILLEN: Okay and then you also saw 'em stab the
2 windshield?
3 P.O.MCELLIGOTT: Yeah.
4
5 KILLEN: Right.
6 P.O.MCELLIGOTT: Yes.
7
8 KILLEN: Okay. Uh and you may have said it and I may have
9 missed it, but did you or uh Officer Gaffney get
10 on the radio and say hey this guy's armed. He's
11 got a knife?
12 P.O.MCELLIGOTT: Yes. Um it was before he said he
13 popped the tire um my partner got on the radio
14 and said (clears throat) said this guy has a
15 knife. Can you send somebody with a taser over
16 here. And then (inaudible) lil time passed by
17 and then (clears throat) that's when the tire
18 incident.
19
20 KILLEN: Okay.
21 P.O.MCELLIGOTT: And then another five, ten seconds
22 (noise) went by and (noise) attacked the car,
23 stabbed the windshield.
24
25 KILLEN: So you're, you were warning everybody ahead a
26 time?
27 P.O.MCELLIGOTT: Yes.
28
29 KILLEN: Before you got anything, he had the knife in his
30 hand.
31 P.O.MCELLIGOTT: Yes. It started with uh we asked for a
32 taser. We said he had a knife. And then we were

1 giving uh kinda like a play by play (noise) stab,
2 he stabbed our tire, he just popped our tire.
3 And, you know and they're askin' if anybody's
4 heading over there. And we're just waitin' for
5 the assist cars to come.
6
7 KILLEN: And I take it you don't carry a taser?
8 P.O.MCELLIGOTT: I do not.
9
10 KILLEN: And then neither does Officer Gaffney correct?
11 P.O.MCELLIGOTT: No.
12
13 KILLEN: Okay. So then you basically follow 'em all the
14 way to Pulaski I take it. Karlov then Keeler
15 somethin' like that.
16 P.O.MCELLIGOTT: Basically yeah. It was --
17
18 KILLEN: And then when the other car comes --
19 P.O.MCELLIGOTT: At that point he was (noise) he darted
20 towards Pulaski.
21
22 KILLEN: Okay.
23 P.O.MCELLIGOTT: From Karlov to Pulaski he was full on
24 sprinting and I was running after 'em.
25
26 KILLEN: And you're after 'em. When he went between the
27 trucks you went between the trucks with 'em?
28 P.O.MCELLIGOTT: Yeah.
29
30 KILLEN: Okay so then when he got to Pulaski he goes
31 south?

1 P.O.MCELLIGOTT: When he got to Pulaski yeah he head, he
2 went south around, he wrapped around the buildin'
3 and (noise) then Burger King.
4
5 KILLEN: And whaddid you mean cause you lost me when you
6 said somebody wanted to make a U turn so you let
7 them go ahead of you.
8 P.O.MCELLIGOTT: There were cars coming northbound on
9 Pulaski to assist. And they passed up, they
10 passed him up and then came back around.
11
12 KILLEN: Oh I gotcha. Okay so he's goin' south --
13 P.O.MCELLIGOTT: They made a U turn --
14
15 KILLEN: I gotcha.
16 P.O.MCELLIGOTT: Yeah they passed him up and turned
17 around. I don't know if they didn't see 'em or
18 if, what their reasoning was, but they, they made
19 a U turn and they turned kinda like right at me
20 and I just said go and I waved 'em.
21
22 KILLEN: Now is he in the street at this time? He is
23 runnin' in the street or is he on the sidewalk?
24 P.O.MCELLIGOTT: I didn't see him at that point I didn't
25 see him because there were other squad cars in
26 front a me. And I don't want, I finally saw him
27 I was in the median and I ran up towards him and
28 that's when at that point he was already down and
29 the officer, other officer was kickin' the gun,
30 uh knife away.
31

1 KILLEN: So were you on the median when you heard the
2 gunshots?

3 P.O.MCELLIGOTT: I was, I heard the gunshots. There's a
4 traffic light. I heard the gunshots while I was
5 at the traffic light. And then I waved, waved
6 the other car to go and then um by the time I got
7 there there were no more shots.
8

9 KILLEN: At the time did you know who was shooting?

10 P.O.MCELLIGOTT: No I did not.
11

12 KILLEN: You didn't see anybody shooting anything like
13 that?

14 P.O.MCELLIGOTT: No.
15

16 KILLEN: Okay. So by the time you got you said then he's
17 already, the offender's already on the ground?

18 P.O.MCELLIGOTT: Yes.
19

20 KILLEN: Is he on his, is he on his back, (noise) his
21 stomach? How's he --

22 P.O.MCELLIGOTT: He was kinda on his side. On his right
23 side.
24

25 KILLEN: And you said he still had the knife?

26 P.O.MCELLIGOTT: Yeah he was holdin' it. (noise)
27

28 KILLEN: In his right hand?

29 P.O.MCELLIGOTT: In his right hand.
30

31 KILLEN: And that was Officer Walsh kicked it from his
32 hand?

1 P.O.MCELLIGOTT: Yeah.
2
3 KILLEN: Okay. And what happens he's placed in custody?
4 P.O.MCELLIGOTT: Then he was, well he was obviously
5 down, he wasn't movin' anywhere. We're
6 surrounding him and that's (noise) (inaudible)
7 come.
8
9 KILLEN: Okay. I mean after the knife gets kicked outta
10 his hand, does anybody touch it to your
11 knowledge?
12 P.O.MCELLIGOTT: No.
13
14 KILLEN: Do you ever touch it?
15 P.O.MCELLIGOTT: I didn't touch it.
16
17 KILLEN: Okay. So you didn't see, you didn't see Officer
18 Van Dyke discharge his weapon at the offender
19 correct?
20 P.O.MCELLIGOTT: No I saw 'em holding his weapon.
21
22 KILLEN: Right.
23 P.O.MCELLIGOTT: Just kinda (inaudible) (noise)
24
25 KILLEN: You heard gunshots but you didn't see --
26 P.O.MCELLIGOTT: Correct.
27
28 KILLEN: Okay. Anything you'd like to add?
29 P.O.MCELLIGOTT: No.
30
31 KILLEN: Everything you told me is a true and accurate
32 account of what occurred?

1 P.O.MCELLIGOTT: Yes.

2

3 KILLEN: All right this will conclude the audio recorded
4 interview of Officer uh Joseph McElligott
5 regarding Log number 1072125 U number 14 dash 36.
6 Today is the 21st of October 2014 and the time is
7 approximately 0451 hours.

1

2

3

4 I, CAROL A. O'LEARY, do hereby certify or affirm that
5 I have impartially transcribed the foregoing from an audio
6 recording of the above-mentioned proceeding to the best of
7 my ability.

8

9

10

11

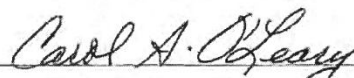
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15

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Carol A. O'Leary

3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police - Bureau of Investigative Services Personnel Only)

Case id : 9825613
Sup ID : 10992767 CASR301

THIS IS A FIELD INVESTIGATION EXC. CLEARED CLOSED (OTHER EXCEPTIONAL) REPORT

HX4/5653

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

GAFFNEY, Thomas J -----

stated he was a Chicago Police Officer assigned to the 008th District. He was on duty, in uniform, working on Beat 815R. GAFFNEY was working with Police Officer Joseph MCELLIGOTT. The two officers were assigned to Chicago Police Department vehicle number 8489, a marked Chevrolet Tahoe, four door sport utility vehicle. GAFFNEY was driving the vehicle and MCELLIGOTT was the passenger.

The officers responded to an assignment of holding an offender for breaking into trucks at 41st Street and Kildare Avenue. Upon arrival at that location they met an Hispanic couple who told the officers a black male subject, wearing a dark shirt, had attempted to break into trucks parked in the parking lot at that location. The couple told the officers the subject had walked off and was last seen walking eastbound on 40th Street from Kildare.

Officer GAFFNEY drove northbound on Kildare to 40th Street. When he turned eastbound onto 40th Street he saw a black male subject wearing dark clothing, walking eastbound on the sidewalk, on the south side of the street. Officer MCELLIGOTT exited the police vehicle to approach the subject, now known as Laquan MCDONALD. GAFFNEY stayed in the vehicle in case MCDONALD fled. MCELLIGOTT called to MCDONALD and told him to stop but MCDONALD continued walking eastbound, ignoring MCELLIGOTT. MCDONALD's hands were in his pockets as he walked. MCELLIGOTT told MCDONALD to take his hands out of his pockets. MCDONALD took his hands out of his pockets and MCELLIGOTT told GAFFNEY that MCDONALD had a knife. GAFFNEY then saw a silver colored knife in MCDONALD's right hand. GAFFNEY also saw that MCELLIGOTT had his handgun drawn at this point. MCELLIGOTT repeatedly ordered MCDONALD to "Drop the knife," but MCDONALD ignored these directions. As MCDONALD

reached Keeler Avenue, GAFFNEY notified the dispatcher on the police radio that they were following a subject with a knife and requested assistance from a unit equipped with a taser.

MCDONALD continued walking eastbound, Officer MCELLIGOTT following on foot and Officer GAFFNEY following in the police vehicle. As MCDONALD approached Karlov Avenue, GAFFNEY turned the Tahoe southbound onto Karlov and stopped, blocking the crosswalk. GAFFNEY said he wanted to stop MCDONALD before he reached Pulaski Road, a business street where more civilians were present. The area where MCDONALD was first observed was industrial in nature with no other civilians present. When GAFFNEY stopped his vehicle in front of MCDONALD, blocking his path, MCDONALD stabbed the right front tire of the Tahoe with his knife, causing the tire to go flat. GAFFNEY immediately informed the radio dispatcher that MCDONALD had "popped" the tire. MCDONALD attempted to walk around the front of the police vehicle and GAFFNEY drove the Tahoe forward a short distance to continue to block MCDONALD's path. MCDONALD then stabbed at the windshield of the Tahoe with the knife, striking the right side of the windshield. MCDONALD then continued walking eastbound from Karlov.

As MCDONALD approached the Burger King restaurant parking lot at 40th Street and Pulaski, assisting police units arrived, approaching westbound on 40th Street from Pulaski. MCDONALD began to run eastbound through the restaurant parking lot, on the north side of the Burger King building. He ran out onto Pulaski and then turned and ran southbound on Pulaski. Beat 845R pursued MCDONALD in their police vehicle, eastbound through the parking lot, over the curb at Pulaski, then southbound on Pulaski. Officer GAFFNEY lost sight of MCDONALD when he turned southbound on Pulaski.

Because of the flat tire on his vehicle, Officer GAFFNEY did not drive over the curb. As he drove around out onto Pulaski, GAFFNEY heard multiple gunshots in rapid succession. He did not see who was shooting. When he reached Pulaski MCDONALD was lying on the ground.

It was noted that Officer GAFFNEY wore the same uniform configuration as Officer VAN DYKE with the addition of the uniform baseball style cap with embroidered patch.

MCELLIGOTT, Joseph P -----

stated he was a Chicago Police Officer assigned to the 008th District. MCELLIGOTT related the same facts as his partner, Officer Thomas GAFFNEY.

Officer MCELLIGOTT added that after he exited the police vehicle, when Laquan MCDONALD took his hands out of his pockets and MCELLIGOTT saw MCDONALD holding a knife in his right hand, MCELLIGOTT drew his handgun. He repeatedly ordered MCDONALD to "Drop the knife." MCDONALD ignored MCELLIGOTT's directions and continued to walk eastbound on 40th Street. MCELLIGOTT followed MCDONALD on foot, maintaining a safe distance between himself and the armed MCDONALD.

Officer MCELLIGOTT heard Officer GAFFNEY request assistance and a unit with a taser over the police radio. GAFFNEY attempted to use the police vehicle to block MCDONALD from continuing on toward the Burger King restaurant at Pulaski Road. At this point MCDONALD stabbed the right front tire and the windshield of the police vehicle. MCELLIGOTT began to hear the sirens of

approaching assisting police units and MCDONALD began to run toward the Burger King restaurant.

When MCDONALD ran eastbound through the parking lot of the Burger King, Officer MCELLIGOTT ran after MCDONALD in pursuit. MCELLIGOTT ran out into the middle of Pulaski Road in pursuit of MCDONALD. MCELLIGOTT heard multiple gunshots but did not see who fired the shots. The gunfire was continuous, one shot after another. MCELLIGOTT then saw MCDONALD lying on the ground. MCELLIGOTT saw Officer Joseph WALSH kick the knife out of MCDONALD's hand.

It was noted that Officer MCELLIGOTT wore the same uniform configuration as Officer VAN DYKE.

[REDACTED]

[REDACTED]

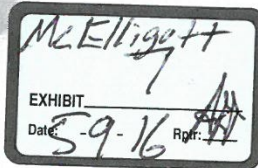
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MONDRAGON, Janet -----



GENERAL PROGRESS REPORT
DETECTIVE DIVISION/CHICAGO POLICE

DATE OF ORIG. CASE REPORT
DAY MONTH YEAR

DATE OF THIS REPORT
DAY MONTH YEAR WATCH

OFFENSE CLASSIFICATION—LAST PREVIOUS REPORT

VICTIM'S NAME AS SHOWN ON CASE REPORT

BEAT/UNIT ASSIGNED

0552

VAN DYKE

ST21

This form is designed for recording handwritten notes and memoranda which are made during the conduct of investigations, including: inter-watch memoranda (handwritten or typewritten), witness and suspect interview notes, on-scene canvas notes, and any handwritten personal notes made by detectives during the field investigation of violent crimes which are used to prepare official Department case reports.

J McELLIGOTT

AFTER EXITING TAXI, WHEN O TOOK HAND OUT
OF POCKET SAW KNIFE IN R HAND.

DREW HANDGUN

"DROP THE KNIFE!" REPEATEDLY

O IGNORED, CONTINUED R/R 40

FOLLOWED ON FOOT AT SAFE DISTANCE

HEARD TG REQUEST ASSIST TAKER ON RADIO

TG ATTEMPTED TO DISCUSS O W/TAKER TO KEEP
O FROM BK

O STABBED R FRONT TIRE + WINDSHIELD

McE BEGAN TO HEAR SIRENS - ASSIST UNITS

O BEGAN TO RUN TOWARD BK

O RAN E/B THROUGH BK LOT. McE IN PURSUIT

McE RAN OUT & TO THE PULVER

HEARD MULTIPLE GUNSHOTS. DID NOT SEE WHO FIRED

SIRENS WERE CONTINUOUS, ONE AFTER ANOTHER

McE THEN SAW O ON GROUND

SAW W/OUT KICK KNIFE FROM HAND

R.D.

14X475653

REPORTING OFFICER'S SIGNATURE—STAR NO.

RECEIVED BY: SUPERVISOR'S SIGNATURE—STAR NO.

DAY—MO.—YR. TIME

**IN-CAR VIDEO SYSTEMS**

ISSUE DATE:	23 February 2012	EFFECTIVE DATE:	23 February 2012
RESCINDS:	Version dated 20 April 2011; S10-10		
INDEX CATEGORY:	Field Operations		

I. PURPOSE

This directive:

- A. implements the use of Department in-car video systems.
- B. establishes the policies and procedures for the use, maintenance, and repair of in-car video systems.
- C. establishes the roles and responsibilities of Department members affected by the introduction of in-car video systems for the video and audio recording of incidents.
- D. establishes the requirements for viewing, retaining, and duplicating digitally recorded incidents.
- E. continues the use of the Digitally Recorded Data Viewing/Hold/ Duplication Request (CPD-65.224).
- F. identifies the Records Division as the Department repository and viewing location of digitally recorded data created by the in-car video systems.

II. POLICY

The Department is committed to protecting the safety and welfare of its members and the public. The in-car video systems can provide members with an invaluable instrument to enhance criminal prosecution by providing powerful evidence of criminal activity, limit civil liabilities, and objectively document officer conduct during individual interactions. Members assigned to a vehicle equipped with an in-car video system will use it pursuant to this directive.

III. GENERAL INFORMATION

- A. There is no expectation of privacy for Department members related to incidents recorded by in-car video systems. Supervisors, members of Bureau of Internal Affairs, and the Independent Police Review Authority (IPRA) investigators may request to review the digitally recorded data from a vehicle equipped with an in-car video system. Any digitally recorded data created by the in-car video system may be used without a Department member's permission for any official Departmental purpose.
- B. The in-car video system will **automatically engage audio and video recording** when the vehicle's emergency-roof lights are activated. However, Department members may manually activate the in-car video system without the activation of the emergency equipment. At the conclusion of the incident, Department members must manually disengage all recording processes, regardless of what method activated the in-car video system.
- C. The Records Division will be the custodians of the digitally recorded data and will be responsible for the retention, duplication, and viewing of the in-car video systems. The Director, Records Division, will establish retention, viewing, and duplication procedures that provide for inventory control, the security of the digitally recorded data, and authorized duplications.
- D. All digitally recorded data created by the in-car video systems will be retained by the Records Division for a minimum of 90 days. Digitally recorded data that is marked and held as having evidentiary or training value will be retained as prescribed by law and established Department policy.
- E. In general, minor infractions and minor deviations from Department policy observed through the review of digitally recorded data will not be subject to the disciplinary process and will be treated as a training opportunity.



IV. RECORDING GUIDELINES

- A. Department members will use only Department-issued video and audio recording equipment.
- B. Department members will conform to all laws and Department policies concerning the use of the in-car video system for the video and audio recording of incidents.
 - 1. Department members are lawfully permitted to video record individuals without their consent if they are on the public way or in public view.
 - 2. Department members who are in uniform and have identified their office are lawfully permitted to simultaneously audibly and visually record individuals without their consent whenever:
 - a. the member is conducting an enforcement stop, **or**
 - b. the patrol vehicle emergency lights are activated or would otherwise be activated if not for the need to conceal the presence of law enforcement.

NOTE: Any reports completed for an audibly recorded incident, including Traffic Stop Statistical Study - Driver Information Cards (CPD-21.103), Traffic Stop Statistical Study Stickers (CPD-15.516), and Personal Service Citations, must include the initial violation or investigatory need that led to the stop.

NOTE: Department members may audibly record an enforcement stop regardless of the subsequent enforcement action taken.

- 3. Department members may audibly and visually record an individual with the consent of the individual.
- C. Uniformed Department members assigned to vehicles equipped with in-car video systems will activate the system to simultaneously audibly and visually record the entire incident for all enforcement stops.
- D. Uniformed Department members assigned to vehicles equipped with in-car video systems will activate the system to visually record the entire incident for all:
 - 1. arrests and transports.
 - 2. nonpursuit emergency vehicle operations.
 - 3. any situation that the member, through training and experience, believes to serve a proper police purpose.
- E. During the recording of an incident, Department members will not disengage the in-car video system until the entire incident has been recorded.

NOTE: Department members will be required to justify any disengagement of the in-car video system prior to the entire incident being recorded.

- F. If recorded, felony and misdemeanor arrests, motor vehicle pursuits, traffic crashes resulting in property damage, personal injury, or a fatality, DUI incidents, and failure to yield to an emergency vehicle will be automatically stored by the in-car video system indefinitely when the correct event is selected from the postevent pop-up menu. All other incidents will be automatically stored for ninety days.
- G. If digitally recorded data will be needed in judicial proceedings beyond ninety days, members will place an extended hold on that digitally recorded data as described in Item VIII of this directive, including but not limited to the following circumstances:
 - 1. Traffic stops other than DUI,

2. Enforcement stops,
 3. Other traffic crash investigations, and
 4. Stops for citizen assistance.
- H. When a complaint against a Department member is received that involves a digitally recorded incident, the investigating member will request an extended hold on the data.
- I. Assigned supervisors will request an extended hold on all digitally recorded motor vehicle pursuits and traffic crashes involving Department vehicles.

V. DEPLOYMENT OF THE IN-CAR VIDEO SYSTEMS

- A. Commanding officers of units with vehicles equipped with in-car video systems will:
1. ensure that vehicles equipped with in-car video systems are evenly distributed for use by all watches.
- NOTE:** Commanding officers will ensure the units assigned to traffic duties in district law enforcement use vehicles equipped with in-car video systems.
2. whenever feasible, ensure vehicles equipped with the in-car video systems are deployed every tour of duty and service is requested for inoperable vehicles equipped with in-car video systems.
- B. The station supervisors will:
1. deploy every vehicle equipped with a functional in-car video system during the tour of duty.
 2. ensure digitally recorded data is downloaded from the in-car video systems.
 3. whenever operationally feasible, review video of any arrest recorded by the in-car video system as part of the approval of probable cause.

VI. OPERATIONAL PROCEDURES

- A. Department members assigned to a Department vehicle equipped with an in-car video system will:
1. at the beginning of a tour of duty:
 - a. visually inspect the in-car video system equipment for damage.
 - b. obtain the remote transmitter/audio recorder and ensure it is securely attached to the member's person.
 - c. follow the start-up procedures for the in-car video system as trained and ensure the system is working properly.

NOTE: Members will immediately notify a supervisor if, at any time, the in-car video system is inoperable, damaged, the equipped vehicle becomes inoperable, or the remote transmitter/audio recorder is missing.
 2. during the tour of duty:
 - a. audibly and visually record events in accordance with this directive.
 - b. annotate all reports, including Contact Information Cards (CPD-21.101), prepared for an event which has been recorded by listing "**Video Recorded Incident**" at the end of the narrative portion.

- c. after an incident has been recorded, use the post-event pop-up menu to select the most serious recorded occurrence as the event type and enter other event information.

NOTE: If the member did not use the postevent pop-up menu to mark the incident as being held for evidence, the member will request an extended hold on digitally recorded data in accordance with Item VIII of this directive.

- d. if the in-car video system indicates that the memory required to record incidents is becoming low or if the member observes that less than 30 minutes of recording time is available, download the digitally recorded data.

3. at the conclusion of a tour of duty:

- a. verify the in-car video system is working properly.
- b. initiate the downloading of the digitally recorded data.

NOTE: Members will immediately notify a supervisor if unable to complete the downloading of digitally recorded data due to technical problems.

- c. shut down the in-car video system and logoff the system.
- d. return the remote transmitter/audio recorder to the designated area for charging.

B. The sergeant assigned to supervise Department members using Department vehicles equipped with an in-car video system will:

1. monitor subordinates to ensure the in-car video system is used and that digitally recorded data is properly downloaded.
2. ensure that the Help Desk is contacted and a ticket number is obtained whenever any member is unable to use the in-car video system or download digitally recorded data due to technical problems.
3. initiate an investigation when notified of a missing or lost remote transmitter/audio recorder.
4. document on the Supervisor's Management Log (CPD-11.455):
 - a. whether each vehicle has an in-car video system and if it is functioning.
 - b. all responses related to malfunctions of vehicles equipped with in-car video systems.
 - c. digitally recorded data downloaded to land-based terminals, noting any units unable to complete the download and the Help Desk ticket number obtained.
 - d. any request submitted for an extended hold of digitally recorded data.
 - e. any instances of additional training, corrective measures, or disciplinary actions.
5. document on the Traffic Pursuit Report (CPD-22.958) or traffic crash report that the incident has been digitally recorded.
6. obtain a complaint register number and order an evidence technician to process the equipment if any damage or malfunction is suspected to have been caused by deliberate (tampering) means.

C. Station supervisors will:

1. designate a sergeant responsible for monitoring the downloading of digitally recorded data for the watch.

2. record the total number of vehicles equipped with in-car video systems deployed during the watch and the total number of these vehicle that do not have a functioning in-car video system, if any, on the Watch Incident Log (CPD-21.916).
 3. ensure the status of vehicles equipped with in-car video systems is recorded on the Personal Equipment Log (CPD-21.919) by recording the word "VIDEO" in the "Camera/Tripod No." column.
 4. if an in-car video system malfunctions or the system or vehicle becomes inoperable **during** the tour, record the vehicle and beat numbers and the words "VIDEO DOWN" on the Watch Incident Log.
- D. When digitally recorded data is determined to have evidentiary or training value, or a complaint against a Department member is received that involves a digitally recorded incident, the supervisor reviewing the recorded data will request an extended hold on the data.

VII. DOWNLOADING DIGITALLY RECORDED DATA FROM THE IN-CAR VIDEO SYSTEM

- A. When downloading digitally recorded data from the mobile unit of an in-car video system to a land-based terminal, Department members will:
 1. download the data in accordance with the manufacturer's guidelines and training.
 2. ensure the download of data was complete and return the vehicle back into service.
- B. With the approval of the station supervisor in the district of occurrence, special requests for the immediate viewing of digitally recorded data from the Bureau of Detectives, Bureau of Internal Affairs, or IPRA will be processed for major incidents where an in-car camera system may be reasonably expected to have captured a component of the incident.
 1. Major incidents include, but are not limited to:
 - a. police-involved shootings,
 - b. serious injury or death to a Department member,
 - c. serious injury or death to a member of the public.
 2. Special requests for viewing digitally recorded data will be made to the station supervisor in the district of occurrence, who will:
 - a. evaluate the request;
 - b. determine if the need for retrieval outweighs the operational impact of the vehicle being taken out of service; and
 - c. notify Crime Prevention and Information Center (CPIC) of the decision.
 3. Special requests will be in the form of one of the following types:
 - a. Special wireless upload, or
 - b. Emergency on-site retrieval.
- C. Special Wireless Uploads
 1. The station supervisor in the district of occurrence will take the vehicle out of service and secure it at the unit of assignment or other appropriate location.
 2. The supervisor will:
 - a. verify that the vehicle operator or partner is signed on to the in-car camera system;
 - b. instruct the member to manually flag the entire tour of duty's available video for upload;

- c. instruct the member to initiate a manual upload of this video with the vehicle in range of the facility's wireless hotspot; and

NOTE: If video cannot be uploaded via wireless hotspot, a cradle upload will be used.

- d. ensure that the vehicle remains out of service until the upload is complete.
3. Once complete, the station supervisor will allow personnel from the Bureau of Detectives, Bureau of Internal Affairs, or IPRA, as appropriate, to review the uploaded files.

NOTE: For officer-involved shootings when an On-Call Incident Commander (OCIC) will respond, an emergency on-site retrieval will be immediately requested through CPIC.

4. The station supervisor may identify an alternate vehicle for the member to use while the identified vehicle completes its video upload, as appropriate.
5. If an attempt to wirelessly upload is unsuccessful, members may contact the City of Chicago Help Desk at 4-DATA for assistance.
6. If a wireless upload fails, an emergency on-site retrieval will be conducted.

D. Emergency On-Site Retrieval

1. The station supervisor in the district of occurrence will notify CPIC of an approved emergency on-site retrieval.

NOTE: An emergency on-site retrieval will only be conducted when an OCIC is responding or a wireless upload fails and contacting the City of Chicago Help Desk at 4-DATA has not resolved the problem.

2. CPIC will notify the Public Sector Information Technology (PSIT) Group personnel of a manual video retrieval from the "fail-safe" internal drive request.
3. The station supervisor in the district of occurrence will take the identified vehicle out of service during the retrieval process.
4. If the identified vehicle is still in use when the designated supervisor arrives at the unit facility or other appropriate location, the supervisor will report to the vehicle and instruct any member logged onto the system to log off the system.
5. The vehicle will remain out of service until PSIT responds and conducts the video retrieval.

NOTE: On-site review of video will be limited to the series of events and time frame giving rise to the alleged incident.

E. Viewing and Obtaining Copies of In-Car Video Recordings

1. Once retrieval has been completed for the requested time frame, the video may be viewed by personnel from the requesting party at the location of retrieval.
2. Requests for copies of in-car video recordings will be made by completing the form entitled "Digitally Recorded Data Viewing/Hold/Duplication Request" (CPD-65.224) and forwarding it to the Records Division.

F. The Managing Deputy Director, PSIT, will:

1. establish procedures to ensure the security of the digitally recorded data from downloading to storage by the Records Division.

2. develop a system to monitor the memory capacity of the land-based terminals and provide for the security of the downloaded data.
- G. If members are unable to download digitally recorded data from the mobile unit of the in-car video system to the land-based terminals due to system inoperability:
1. the station supervisor will notify the Help Desk and follow any further instructions given by the responding member of PSIT.
 2. A designated member of PSIT will respond to the requesting unit and:
 - a. ensure the security of the digitally recorded data.
 - b. perform a manual download of the digitally recorded data.
 - c. record the manual download on the Help Desk ticket.

VIII. REQUESTING A HOLD FOR DIGITALLY RECORDED DATA

- A. Department members will place an extended hold on digitally recorded data they recorded using the postevent pop-up menu on the in-car video system.
- B. **Within the first 48 hours** from downloading digitally recorded data from the vehicle, Department members **who do not use the postevent pop-up menu** and request an extended hold on digitally recorded data will request that a supervisor place the extended hold by using the land-based terminal at the district/unit station.
- C. **After the first 48 hours** from downloading digitally recorded data from the vehicle, Department members **who do not use the postevent pop-up menu** and request an extended hold on digitally recorded data will:
 1. complete the Digitally Recorded Data Viewing/Hold /Duplication Request form.
 2. indicate on the form the necessary actions by the Records Division.
 3. explain in the narrative portion of the form the reason for the request.
 4. submit the form to the station supervisor/designated unit supervisor for approval.
 5. submit the completed and approved form to the Records Division for processing and retention in accordance with existing records-retention requirements.
- D. Department members who wish to remove an extended hold on digitally recorded data will follow the procedures outlined in Item VIII-C of this directive indicating the circumstances requiring the removal of the extended hold.
- E. The Director, Records Division, will:
 1. develop a cataloging system for storage and retrieval of recordings and procedures for ensuring archives are maintained consistent with Department directives (including the Forms Retention Schedule), applicable state and federal laws, and compliance with all court orders.
 2. be responsible for retaining digitally recorded data for which an extended hold was requested as prescribed by law and established Department policy.

IX. VIEWING, RETAINING, AND DUPLICATING DIGITALLY RECORDED DATA

- A. All digitally recorded data created by the in-car video systems are the property of the Chicago Police Department. **Dissemination of any digitally recorded data outside the Department is strictly prohibited without specific authorization by the Superintendent or an appointed designee.**
 1. Any non-Departmental requests for duplication of digitally recorded data must be approved by the Superintendent or an appointed designee.

2. All approved requests will be forwarded in an expeditious manner to the Director, Records Division, along with:
 - a. a completed and approved Digitally Recorded Data Viewing/Hold/Duplication Request form, and
 - b. written instructions, including dissemination information, for compliance with the request.
- B. Department members assigned to vehicles equipped with in-car video systems and their supervisors are encouraged to use the review/ playback functions of the system for the purposes of:
 1. developing familiarity with the functions, capabilities, and limitations of the in-car video systems to create consistent recording techniques which capture relevant actions.
 2. searching for and identifying recorded events having evidentiary or training value.
 3. reviewing approach and officer safety issues.
 4. ensuring consistency with written reports.
- C. Reviewing Digitally Recorded Data

Investigating members may view digitally recorded data in the performance of official police business. When it is necessary to view digitally recorded data stored by the Records Division, the following procedures will apply:

 1. The requesting Department member will:
 - a. prepare a Digitally Recorded Data Viewing / Hold / Duplication Request form, including approval of the requestor's station supervisor/designated unit supervisor.
 - b. schedule an appointment to view the recorded incident with a Records Division supervisor (or an appointed designee) to ensure the availability of a technician and playback equipment.
 - c. present the properly completed and approved form to a Records Division supervisor at the scheduled time.
 2. A Records Division supervisor will:
 - a. process all approved recorded incident review requests.
 - b. assign a technician to assist the requestor in viewing the recorded incident, as required.
- D. Obtaining a Video Recording
 1. A duplicate copy of selected information may be made to retain that information:
 - a. when it is not required that the master video be retained for an indefinite period (e.g., investigation of a routine administrative incident when the punishment is of a summary or minor nature).
 - b. when the requesting member determines that a duplicate video of a master video will be sufficient.
 2. A duplicate video recording may be obtained by:
 - a. completing a Digitally Recorded Data Viewing / Hold / Duplication Request form and submitting the completed form to the station supervisor/designated unit supervisor for approval.
 - b. notifying the Records Division that a duplicate video recording is required and submit the approved Digitally Recorded Data Viewing/Hold/ Duplication Request form to the Director, Records Division.

- c. indicating to the Records Division which information from the digitally recorded data is to be included on the duplicate video recording.
3. When the duplicate video recording has served the purpose for which it was made, the requesting member will ensure that it is immediately returned to the Records Division.

NOTE: A member requesting a duplicate video recording will not make additional copies of it or permit unauthorized persons to duplicate or view it under any circumstances.

E. Special Situations

When the Records Division receives a request for an extended hold of digitally recorded data that indicates it pertains to:

1. **a motor vehicle pursuit or traffic crash involving a Department vehicle**, the Director, Records Division, will ensure a duplicate video is forwarded to the Traffic Review Board.
2. **an incident having training value**, the Director, Records Division, will ensure a duplicate video is forwarded to the Deputy Chief, Education and Training Division.

(Items indicated by italics/double underline were revised or added.)



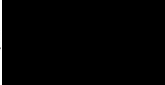

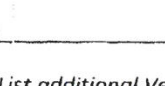

Authenticated by: RMJ

Garry F. McCarthy
Superintendent of Police

11-055 / 12-003 EGV/RJN

In Car Camera Video Retrieval Work Sheet

Date & Time of Notification: 20 Oct 14 2230 HRS Related HDT# OP3 CMD
 Requestor: Det CITEK McNAUGHTON Tech: POVAR
 Location of response: 4100 S PULASKI
 Type of Incident requiring retrieval: POLICE INVOLVED SHOOTING - FATAL: OFFENDER
 Location of Incident: 4100 S PULASKI Date & Time of Incident 20 OCT 14 2147
 Related RD#, Event#, and/or CR Log#: 17K475653

Vehicles to be checked:			215250
813R Veh# <u>8770</u> POS PC#:		Results: 	214218 M1100 30000214
815R Veh# <u>8489</u> POS PC#:		Results:	
822 Veh# <u>8765</u> POS PC#:		Results:	
845R Veh# <u>642</u> POS PC#:		Results: 	215250 out of focus M1100 00003227
841R Veh# <u>8948</u> POS PC#:		Results: <u>NOT NO OPEN NOT</u>	

List additional Vehicle to be checked and results on back of this form

Note: Any vehicles identified to be checked, will be evaluated for operational readiness as well. Any deficiencies of the ICC System will be noted i.e. MIC(s) are not sync'd; rear camera not working; cannot upload; etc. Actions to rectify the issue should be taken to render the system FULLY FUNCTIONAL!

Notes of work or activities performed:

8770: MICs IN GLOVE BOX PORTABLES INSERTED UPSIDE DOWN
 → FULLY OK
 8489: PROCESSING VIDEOS: EXTREMELY LARGE VIDEO FILES
 8765: MICs IN CHARGING CABLES; NOT SYNC'D TO SYSTEM
 642: NO MICs; MIC CHARGER DISCONNECTED
 8948

THIS INFORMATION DISCLOSED TO DETECTIVES, DC McNAUGHTON, & OCSM.
 Tech: DET SUPERVISORS ON SCENE
 During Viewings



20 Oct 2014 , HY475653

Page 1 of 1

20 Oct 2014 , HY475653

Becvar, Lance J.

Sent: Friday, July 17, 2015 12:33 PM

To: Lewin, Jonathan H.

Cc: Dziak, Steven E.

Hello Dep Lewin,

Per your request the findings related to the Aggravated Assault / Police involved Shooting on 20 Oct 2014 Listed under RD# HY 475653:

Findings from that night-

Veh 8779 Video Recovered Titled PC02400@20141020215250, No MICs because they were in the Glove Compartment with the batteries inserted upside down - Disabling them.

Veh 8489 System not engaged because a very long video (like hours long) was made previous to this event/incident and the system was processing that video and unable to start another video.

Veh 8765 System not engaged, officer related no power. There was no open HDT called in on vehicle. MICs not sync'd to system even though they were in the charging cradles.

Veh 6412 Video Recovered Titled PC05571@20141020215250 view out of focus. Focusing problem found to be related to a loose cable connection for the camera. No MICs in vehicle and the charging cradles disconnected from power.

Veh 8949 System not engaged, officer reported that there was an application error - Mobile Recorder Start-Up corrupted. No Help Desk Ticket Open for this vehicle.

Sgt Lance Becvar

MobileTech Supervisor

Information Services Division

Chicago Police Department

Cell# 312-446-3305

E-mail: lance_becvar@chicagopolice.org

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